COMMISSIONER OF OFFICIAL LANGUAGES
COMMISSAIRE AUX LANGUES OFFICIELLES

ANNUAL REPORT 1988

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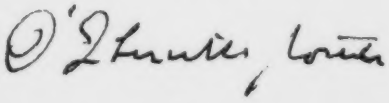
The Speaker,
Senate,
Ottawa

Mr. Speaker,

Pursuant to Section 66 of the Official Languages Act, I hereby submit to Parliament, through your good offices, the eighteenth Annual Report of the Commissioner of Official Languages, covering the calendar year 1988.

Yours respectfully,



D'Iberville Fortier
Commissioner of Official Languages

April 1989

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Preface: United We Stand

Our linguistic duality is a "fundamental characteristic" of Canada. As such, it is one of the major symbols and basic realities of our national identity. The language rights that flow from this duality must, as the Supreme Court of Canada stated in 1988, also be considered as "a well-known species of human rights, and should be approached accordingly." For both these reasons, then, linguistic duality and language rights deserve our enthusiastic support.

The federal government and its institutions might wonder, however, whether it is still necessary to assign a high priority and strive to give new life to this question now that the 1988 Official Languages Act more precisely defines its requirements and remedies. We ourselves are even more convinced than before adoption of the Act of the need for such efforts. This is not to proselytize; the reason is much simpler. To underscore the importance of the Act, our lawmakers have expressly vested it with a promotional character. "The Government of Canada is committed to enhancing the vitality...of linguistic minority communities...and to fostering full recognition and use of English and French in Canadian society." This should be enough to convince officials at all levels that any attitude of financial or administrative *laissez-faire* would run counter to the will of Parliament.

That is why this Report includes the outline of an action plan for effective implementation of the new Act. While it is the responsibility of the federal government and its institutions to translate the political will expressed in the Act into regulations and realities, we have thought it worthwhile to make recommendations that could help them, serve as a basis for mutual discussion and perhaps also signal to all concerned the magnitude of the task ahead.

Events of the past year have reminded us that, in a decentralized federation such as Canada, it is necessary to make full use of federal leadership but also to accept (aside from the application of certain basic rules) the variety of situations and interpretations characteristic of our federal system. It must first be recognized that while both languages are to enjoy equal status in federal institutions as well as in minority language education and the application of criminal law, the

Constitution stops well short of imposing such a status on the provinces within their own areas of jurisdiction. Second, in Canada, and to a still greater degree in North America, the English language is dominant. For this reason, it is in the national interest to defend and protect the French language by all appropriate means. While these asymmetries do not, in our view, justify any disparity, a refusal to take them into consideration could result in perpetual misunderstandings. The federation as a whole must nevertheless lean towards a coherent vision of the national interest and of respect for minority rights. That can be achieved only through determined effort.

From this perspective, 1988 held great disappointments but also brought hope. Our disappointment, in terms of federal action, was that, despite the obvious beginnings of renewal, a more vigorous attempt was not made to apply its principles to all federal institutions. The large number of complaints we received is clear evidence of this, as is the fact that the majority came from our numerically weakest minorities. Fortunately, the picture is much brighter when it comes to the negotiation of federal-provincial agreements on behalf of some minority communities. But although we, with major support from the Standing Joint Committee on Official Languages, called for both legislative and administrative revitalization, it must be said that so far we have not progressed much beyond the new legislation. Some observers were disturbed by the tone of the debate on the new Act and by the resurgence, here and there, of opposition (often, alas, ill informed) to this greater recognition of Canada's linguistic duality and its consequences. Nevertheless, we must emphasize the impressive consensus achieved and the desire to do more and do it better.

We have also seen the reactions in two western provinces and Quebec to major Supreme Court decisions. As in past years, we exercise our right and duty to comment on such matters here. In terms of law, the two situations are hardly comparable. The legislation passed in Saskatchewan and Alberta, so profoundly disappointing in that it threw cold water on an historic vision of French rights in those provinces, contravened the spirit but not the letter of the decision. Quebec, for its part, by adopting the solution it chose, was led to invoke the constitutional override clause. This compromise solution led to serious tensions among the Francophone majority and opposition from the Anglophone minority, which is understandably disappointed with the turn of events and hopeful of being able to effect a change in policy. Much has been said about how this problem is basically a conflict between collective and individual rights. There has perhaps been a tendency to forget that such individual rights, by their nature, are also collective in terms of their impact on the minority community. We seek in vain, in the responses to these Supreme Court decisions, for the much-awaited progress in strengthening the status of our two official languages.

In this Report we restate our positions on these serious issues and reaffirm our hope that in both cases the authorities in question will be able to overcome the

obstacles. These, it seems to us, stem from different, but deeply rooted social and political situations in the two regions in question. Is it not possible to make a new start towards a better reconciliation of minority rights and expectations and majority aspirations?

We also discuss more positive developments. The new Official Languages Act is one such development of utmost importance which, in our view, in no way threatens provincial rights and can, if properly implemented, help bring us closer to our objective of a national partnership. Only the fainthearted would advocate moderating our efforts in federal language reform because of other events that in no way change the obligations of the federal government.

There is also cause for rejoicing in Ontario, where the French Language Services Act comes into force in 1989, and in New Brunswick, where progress is being made, albeit still hesitantly, towards a policy of more systematic enforcement of longstanding language and community legislation. In Quebec, the law guaranteeing Anglophones social and health services in their own language (the implementation of which we eagerly await), an education bill, the special efforts with respect to the teaching of English and French as second languages planned by the Minister of Education, and even the beginnings of a new policy to encourage a higher birthrate — all are areas of co-operation that should benefit everyone, including, of course, the Anglophone minority. Elsewhere, we find shadings, tentative efforts, as well as some doors that are half open. The practical acknowledgement of the rights of our minorities to instruction in their own language, as provided for in the Canadian Charter of Rights and Freedoms, is occurring too slowly in most provinces, but we may hope that a long-awaited Supreme Court decision will confirm more generous interpretations than are current in much provincial legislation.

We therefore share with many of our fellow citizens their regrets, but also their hopes. Canada has for a good many years shown it can live in peace and move forward as a result of dialogue on the most diverse topics. The first essential is a general lowering of tension. It will come, we may be sure of that. All too often, passions and symbols threaten to usurp the place of other values. If our linguistic tensions periodically resurface, it may in part be because we actively seek solutions to difficult problems that many other countries prefer to avoid. Our particular and necessary mixture of language rights, with its personal and territorial features, is the legacy of our history and of a desire for justice. But it must also be admitted that it is extremely complex to administer and requires determination and patience. However, judging by the progress that has been made in many areas, our fundamental respect for rights and our ability to achieve accommodation will triumph.

Other challenges lie ahead, one being the adjustments that the Canada-United States Free Trade agreement will require. We shall have to remain very vigilant,

given the impact it will undoubtedly have on our society and on the equilibrium between our two national languages and the cultures for which they are the vehicles of expression. In the constitutional arena, the future of the Meech Lake accord is rightly the main concern. We continue to support its ratification despite our serious reservations about some of its aspects. Other means are available to take these into account.

We referred above to the need for a coherent vision of the national interest and respect for minority rights. In this connection, we propose that the Government of Canada, in the spirit of the Charter of Rights and Freedoms (Section 16(3)) and the Official Languages Act, invite the provinces to agree, during the next round of constitutional negotiations, on a formula designed to support the development of English- and French-speaking minority communities and to reduce the current differences in the status of our official languages across Canada. The purpose of such a formula would be to expand services in the language of the official language minorities. In short, we must maintain the initiative and focus our efforts on what unites us so that a new and future-oriented impetus can take hold.

* * *

The first chapter contains a panorama of our observations and comments and our major recommendations. Our proposals for an action plan are contained in Part VI.

This year's Annual Report discusses events of exceptional importance. It is intended not only to serve its official purpose — to render an accounting to Parliament — but also to be a reference work for a number of different audiences who, depending on their interests, often find information to be too sketchy for their liking. It is addressed, of course, to Members of Parliament and opinion leaders, as well as to employees of federal institutions, provincial officials who wish to be able to compare their situation to that of other provinces, minority community leaders, those working in education and law, and others. We also report on a number of research projects conducted with the Report in mind.

In addition to explaining and commenting on the main aspects of the new Act, we have placed particular emphasis on our ombudsman role, which is at the heart of our mandate and emerges strengthened in the new Act. We have done the same with respect to application of the three components of language equality — service to the public, the equitable participation of the two language communities in federal institutions and the right of federal employees, subject to certain conditions, to use the language of their choice at work. These chapters have been given much attention this year in an effort to develop worthwhile recommendations. We hope they will serve for at least one or two years to come as a basis for assessing the linguistic performance of federal institutions.

D'I.F.

PART I

The Year in Review

1. Affairs of State: Stormy Weather

On the evidence, 1988 was anything but a dull year. As a result of political and legislative action, our national agenda includes a Meech Lake accord now ratified by eight of 10 provinces, a spanking new Multiculturalism Act, planned legislation on broadcasting policy, and, last but not least, a comprehensive free trade agreement with our neighbours to the south. However, Canadians may look back on 1988 chiefly as the year of Supreme Court decisions and language legislation. The federal Official Languages Act was proclaimed on September 15. In April Saskatchewan voted a new Language Act (Bill 2) as a direct response to the findings of the Supreme Court of Canada in the Mercure case on the status of the French language in that province. Alberta reacted to the same judgment by passing a Languages Act (Bill 60) in July. In May, while the federal language legislation (Bill C-72) was at the committee stage, the Yukon Territory adopted a Languages Act (Bill 7). Finally, in response to the long-awaited decision of the Supreme Court of Canada on the signage provisions of the Charter of the French Language (Bill 101), the government of Quebec adopted amendments to its language legislation just before Christmas (Bill 178). Needless to say, some of these laws did little to advance the cause of linguistic tolerance in Canada or, in the words of our new Official Languages Act, to foster "full recognition and use of English and French in Canadian society".

Such unprecedented activity in the language field provides proof positive that Canadians and their leaders continue to struggle with the pledges of the past as they grapple with the promises of the future. Our past includes constitutional and legislative language rights, both old and more recent, whose purpose ultimately is to provide a framework for the recognition of unevenly distributed and often asymmetrical language communities. The 1988 Official Languages Act is an important addition to these guarantees.

The 1988 Official Languages Act

The Act, discussed in detail in the next chapter, is both a reflection of consensus achieved and a springboard for future action. It should hold us in good stead well into the 21st century. It sets out a new ideal for the treatment of the English and French languages in Canadian society, one which takes into account the equality of status of these two languages for federal purposes, but which also focuses on

the needs of our English- and French-speaking minority communities and the practical communication requirements of our society. In giving broad and full support to the Act, the Prime Minister and the leaders of the opposition parties have shown that statesmanship is still alive and well. Collectively, they and their parties have subscribed to a vision of Canadian society based on justice and tolerance. The new Act makes the point that English and French are not merely tools used by our government to communicate with its citizens, but are essential to the expression of our national identity. However, the Act is in a sense a photographic negative. It has to be developed and enlarged to bring positive results to the day-to-day lives of Canadians. It will do so only to the extent that it is built upon creatively and dynamically.

As the results of an April 1988 Angus Reid poll indicate, more than two-thirds of Canadians continue to express moderate or strong support for language duality as part of our national dream. However, this belief is not shared equally in all parts of Canada. In particular, approval in the Prairies continues to be weak — slightly less than half of those canvassed approve of official bilingualism. Clearly this is not good enough. There is a continuing need to explain the basic rationale of Canada's language policy, to demonstrate that it is fair and will continue to be fairly applied. There is no doubt that much of the scaremongering that went on during the parliamentary debate on the Bill could have been avoided had its objectives been presented more clearly and more forcibly. Although federal language legislation did not generate much debate during the national elections in October, public opinion on the purpose of the new Act continued to appear confused. Many people were not even aware that there was a new Act. The lukewarm information efforts of federal authorities thus far have done little to allay fears about job opportunities and respect of provincial jurisdiction, let alone foster good will among our citizenry. Moreover, at year's end, it was clear that the message of a new thrust to provide appropriate minority language services and a fair bilingual language of work environment had not yet reached the middle or lower ranks of the federal administration. Public servants need to have a much clearer idea of what is expected of them — where, how and in what circumstances — and what they themselves can expect. Simply put, there is no point in seeking to promote our official languages in Canadian society if the begetters of the policy are not wholly committed to explaining in plain English and French why it is necessary.

Multiculturalism

Bill C-93, "An Act for the preservation and enhancement of multiculturalism in Canada", received royal assent in July. Its major objectives are to make Canadians more aware of their cultural diversity and to proclaim the freedom of all individuals to preserve and share their cultural heritage. Multiculturalism is to be advanced "throughout Canada in harmony with the national commitment to the official languages of Canada." Although the Act aroused keen interest among ethnic communities, it was greeted with rather mixed reviews in the press, the main criticism being that multiculturalism might weaken our Canadian identity.

When the Commissioner appeared before the Legislative Committee examining the Bill in April, he reiterated his longstanding support for an openhanded policy of multiculturalism within the framework of official bilingualism. After all, the reality in Canada is that both official language communities are increasingly made up of people from diverse cultural origins. However, both policies should be set in their historical context and both should help to express convergent national values. In particular, newcomers should be given the opportunity to learn our official languages and to come to understand the heritage they represent. The Commissioner suggested that the attitudes of Canadians towards multiculturalism and language duality could be significantly improved through well-designed information and intercultural relations programs. Canadians are increasingly concerned with preserving our cultural heritage and developing more tolerant attitudes to all languages and ethnic groups. The Multiculturalism Act is welcome legislation: if it is understood and implemented in a way that reinforces our Canadian identity, we shall all be the richer for it.

Meech Lake accord

At the end of the year, the death knell of the Meech Lake accord was being sounded by numerous commentators. In our view, such speculation seems at very least premature. The accord had already come under fire following the decisions of Saskatchewan and Alberta to abrogate certain existing minority language rights, actions hardly in keeping with the Meech Lake commitment to "preserve" minority communities whose existence is "a fundamental characteristic of Canada." Some observers at the time greeted with scepticism a remark by the federal minister for federal-provincial relations, Senator Lowell Murray, that these events could not have occurred had the Meech Lake accord been in effect. But it was the government of Quebec's swift and controversial reaction to the Supreme Court of Canada's twin decisions on the signage provisions of Bill 101 that raised a storm of protest. The heated debate that followed inevitably impinged on the fragile consensus underlying the accord, and the implicit agreement among some provinces to mind their own business was severely tested. Also, this spillover happened in spite of the insistence of some politicians that no such linkage should be made. The Premier of Manitoba, who had only a week earlier introduced a resolution in the legislature to ratify the accord, astonished the nation by withdrawing it, declaring that Quebec's legal move to override the Constitution and continue to ban English from exterior signs was not in keeping with the accord. He explained that he wanted to avoid the acrimonious and divisive debates on minority language rights that had raged in Manitoba five years earlier over the province's own constitutional obligations.

The Premier of New Brunswick, the only other province that has not yet ratified the accord, refused to follow the example of his western colleague and halt ratification proceedings. However, he appeared to harden his government's position about wanting to reopen the accord to strengthen minority language guarantees and otherwise preserve the pre-eminence of the Canadian Charter of Rights and Freedoms.

Having principally in mind the enhanced recognition it afforded our linguistic duality, we supported the Meech Lake accord last year, calling it "a major step in the right direction." We still support it. We did not challenge the concept of Quebec as "a distinct society" because we saw in that a basis for reconciliation through the re-emergence of Quebec as a full-fledged member of the constitutional family. We did feel, however, that the commitment by all parties (perhaps the only one possible at the time) to "preserve" our minority official language communities was too weak to provide an effective safeguard. We thought that asymmetry between the promotion of Quebec's distinctness and the mere preservation of linguistic duality throughout the rest of the country could affect the general language equilibrium of Canada. The Meech Lake accord of course encompasses many issues on which it is not for us to comment and which may have a significant impact on its fate. We should not, however, underestimate the ingenuity of Canadian negotiators in arriving at a workable solution, and we hope that our concerns, which are shared by many, will be examined in that context.

Free trade

The Free Trade agreement, which was enacted into law at the very end of the year, came under intense, even passionate, debate during the federal election campaign as Canadians tried to understand and assess its potential long-term effects. Apart from the central, visceral issue of whether the agreement was good or bad for Canada, one aspect of the debate focused on the extent to which free trade would merely lead to greater harmonization in many areas or would usher in wide-scale continentalism.

Historically speaking, this is not a new subject of debate for Canadians. It has, however, taken on a certain element of urgency. The rapid internationalization of communications, transportation and services is forcing all countries to redefine and re-evaluate their place in the international market place. For Canada, this means coming to grips with its giant co-tenant on the continent, a neighbour with an often radically different approach to cultural products, linguistic differences and other questions.

Within this context, language emerges as an important if, as yet, insufficiently studied and debated issue. Sustaining and nourishing our linguistic duality has become an article of faith in Canadian public policy, but accomplishing it may become that much more difficult as broader continental pressures are brought into play.

The traditional goods-oriented approach to international trade raises relatively few questions from a linguistic perspective. There is, for example, a fairly clear acceptance of the prerogative of individual governments to issue their own standards and regulations relative to packaging, labelling and the like where language is at play. We have therefore no great fear that the federal laws requiring bilingual packaging and labelling will be done away with as freer trade is

progressively implemented. There were, however, some troubling indications that a relaxation of labelling requirements was being considered by Transport Canada in connection with new rules about the importation of used cars.

The real linguistic challenge lies in the newer and greyer areas of freer trade in services, investment and labour mobility where many of the rules have yet to be established. The disproportion between Canada's French-speaking market (mainly in Quebec, but also present across the country) and the vastly predominant English-speaking North American market will have an inevitable — if as yet somewhat unpredictable — impact on the way free trade affects the linguistic lives of Canadians. Ways of promoting our commitment to protect the French language and ensure the development of official languages communities will have to be constantly examined and adjusted as free trade is progressively implemented and the rules become clearer. This cannot be left to chance or to the whims of negotiators who may not have given much thought to the possibility that some decisions may have hidden linguistic consequences.

Specific areas to watch and plan for include the impact of computer software on information services, the definition of a subsidy (negotiations to be concluded in 1992), the commitment to harmonize standards, and the certification of professional services. Also, as we suggested last year, it may be necessary to look to compensating domestic and international arrangements to offset some effects of the agreement on the French language and culture in Canada and in Quebec in particular. The fact that "cultural industries" are specifically exempted from the agreement does not necessarily constitute a sufficient shield against the secondary effects some arrangements might have in these areas.

The government has commissioned studies and set up a blue ribbon commission to deal with the problems Canadians will face in adjusting to free trade. The potential economic dislocations will of course be uppermost on peoples' minds, but we believe it essential that some thought be given to the impact free trade will have on our two language communities and on the delicate balances that sustain them.

Broadcasting

The tabling in the House of Commons last June of the Broadcasting Bill (C-136) and of a detailed policy had been eagerly awaited. Although the Bill died on the order paper upon dissolution of the House in September, the debate it triggered nevertheless marked a turning point in the protection of Canadian cultural sovereignty. While affirming the public character of the entire broadcasting system and encouraging private producers to offer more Canadian programming, the policy proclaimed the fundamental importance of the CBC as the principal medium of Canadian cultural expression. It also acknowledged the uniqueness of the French-language radio and television industry and its market and, correspondingly, the distinct nature of the two CBC services. The policy also stated that the Crown corporation's funding would be increased by $35 million per year

over four years to enable it to carry out its new mandate. The Canadian Radio-Television and Telecommunications Commission would enjoy increased powers as the watchdog of the Canadian television identity. The Commissioner was pleased that the Bill stated that the CBC had to comply with the principles and objectives of the Official Languages Act and ensure that its programming met the needs of the official language minorities. It is to be hoped that the Bill will be reintroduced when Parliament resumes. (See also Part IV, Chapter 3.)

Canadian identity

The Meech Lake accord, the new Official Languages and Multiculturalism Acts, the Free Trade agreement, a review of the Broadcasting Act, are all initiatives that will continue to challenge our national character and will no doubt affect many of us in our daily lives. They have important implications for our future and our society as a whole. In pursuing their objectives, we will inevitably be called upon to resist actual or potential centrifugal forces and to reassert our commitment to the linguistic and cultural values that draw us together as Canadians. We will have to develop new means of promoting our uniqueness and our identity. From this viewpoint, it is important to ensure that our federal cultural agencies — the Canadian Broadcasting Corporation, the National Film Board, the National Arts Centre, the Canada Council, to name but a few — enjoy the level of support necessary to enable them to fulfill their respective national and regional mandates. These institutions must be able not only to show Canadians, in both official languages, who they are, but give them deserved pride in what they are.

Standing Joint Committee on Official Languages

Various members of the Standing Joint Committee on Official Languages played a key role in the work of the Legislative Committee of the House of Commons and in the Senate sitting on Bill C-72. This, however, had the effect, as is usual in such circumstances, of overshadowing the activities of the Standing Joint Committee. It held only three sittings this year, two of which were devoted mainly to organizing its work and approving a budget.

At its third sitting, the Secretary of State, Lucien Bouchard, gave a presentation on federal-provincial official languages funding programs. When asked about a distribution of funding that would benefit Francophone communities outside Quebec more than the Anglophone community in Quebec, he answered that this could be explained by the fact that the former are far more scattered than the latter. For the same reason, the federal government had allocated more funds to the regional Anglo-Quebec minority organization in the Gaspé because its situation is comparable to that of the Francophone minorities outside Quebec.

It will be recalled that in its fifth report (December 1987) the Committee had recommended that government adopt a policy and issue specific directives to ensure that popular events of national significance funded by federal contributions reflect the linguistic duality of Canada. What had disturbed Members of Parliament at the time, among other things, was the lack of complete French-

language television coverage of the Calgary Winter Olympic Games throughout Canada. Although the Committee was satisfied with the compromise solutions proposed, it was anxious to ensure that a similar situation did not recur.

In the written response of the government in May 1988, the Minister of State for the Treasury Board, Douglas Lewis, reviewed the policies and directives relating to departments and agencies that provide funding to non-governmental organizations and voluntary agencies to ensure that these recipients provide service to the public in both official languages. Mr. Lewis reiterated his intention of writing to his colleagues (this was done in August) to ask them to ensure that all Crown corporations under their authority comply with official languages policy in such circumstances. Lastly, he stated that the Treasury Board would recommend to deputy heads of departments and agencies that they make their contributions to national events subject to compliance with specific conditions regarding official languages and that they implement appropriate control measures.

It is fortunate that the Joint Committee managed to obtain such a strong commitment from the Minister. Our Office conducted a study of this very issue in 1987 and 1988, details of which are found in Part II, Chapter 3.

Federal performance

Credit must be given this year to the Department of Justice, the Treasury Board Secretariat and the Department of the Secretary of State for their efforts to ensure that the new Official Languages Act emerged clarified and improved from the crucible of parliamentary debate. That said, the government's performance in 1988 must be assessed not only on its efforts to meet the requirements of the new Act, but also on what it did to implement those in the earlier Act. Both, after all, espouse essentially the same basic principles.

For the Treasury Board Secretariat at least, 1988 was a ho-hum year in which relatively little new emerged. It did, however, complete a number of worthwhile projects, chief among them being guidelines, albeit incomplete, for the preparation of letters of understanding, the signature of such letters with four organizations, the distribution and installation of new language of service pictograms, the updating of a directory of federal offices offering services in both official languages and the broader distribution of an existing guide on organizing and chairing bilingual meetings. The Secretariat also organized a number of meetings with federal managers to explain the implications of the new Act.

Accountability for official languages performance presents its own peculiar challenges in the increasingly complex environment of the Public Service. The latest scheme in a long series of octopus-taming exercises is the Increased Ministerial Authority and Accountability System, one element of which is the new, more results-oriented, letters of understanding between deputy heads and the Secretary

of the Treasury Board. Official languages considerations are to be a prominent feature of these letters. When we reviewed accountability questions in our 1986 Report, we suggested that this new regime would have to be judged on its practical merits. By the time we went to press, only four letters of understanding had been signed and 12 were being negotiated. In the meantime, Treasury Board has obtained progress reports from institutions which have not yet begun the process and has provided them with feedback on ways to improve their official languages performance. What has struck us about the process so far, aside from its slowness, is the need for greater specificity. The objectives set out in the letters of understanding need to be defined in a much more precise and measurable manner, with better performance indicators and control mechanisms to ensure that objectives are met. The complaints we receive and our audit findings have left us less than sanguine about the ability of the present accountability mousetrap to catch mice.

The Secretary of State's Department was much quicker off the mark. Foremost among its achievements are the signature of a new federal-provincial Protocol on Official Languages in Education, with a funding increase of $145 million over five years, and the negotiation of framework agreements on official languages, notably with Saskatchewan and Ontario. The Department has also taken preliminary steps to co-ordinate the contributions of other federal departments and agencies to the development of Canada's English- and French-speaking minorities and the promotion of our official languages. For example, an agreement was struck with the Canada Council in June to ensure a complementary approach to federal assistance for professional theatre companies in minority situations. The Department is also working with the Department of Communications to provide assistance for the establishment of community radio. Other initiatives are being considered, but it is not clear how far the Department will be able to go along this promising road, particularly in light of its rather meagre human resources in the regions to carry out its greatly expanded mandate.

One important feature of the Department of the Secretary of State's mandate is its duty under Section 43 of the Official Languages Act to "foster an acceptance and appreciation of both English and French by members of the public". To our mind, this suggests the need for a sustained communications program aimed at providing Canadians with timely and straightforward information on the importance of language duality to our national values. The Department's efforts in this regard have been far too modest. Imaginative, specific and systematic information activities are needed to explain the reasons for promoting our official languages and ensuring concrete and visible reform.

In spite of uneven leadership by the central agencies in 1988, federal institutions have on the whole fared not too badly. Many have taken the issue of service to the public beyond its theoretical premises of bilingual positions, signage and printed matter, and have given special attention to active offer of service to the

minority proclaimed in the new Act. However, the numerous complaints our Office receives suggest there is still room for considerable progress. Not only is there a need for more rigorous checks and controls with respect to the consistent delivery of bilingual services, but the distribution and concentration of bilingual positions must be examined in light of obvious weaknesses in bilingual capability in most regions inhabited by numerically weak minorities. We would have liked to report that a similar spirit of initiative had been applied to improving on the still limited possibilities of using French on the job. This is not to say that the language of work situation is universally bleak or that many federal managers have not tried hard to bring about change. However, we have yet to witness the type of breakthrough that would allow us to claim that better balance can be achieved in the near future. Ensuring overall satisfactory participation rates in each federal institution and by employment categories, with due regard to the merit principle and such variables as mandate, public served and location, is a juggling act of considerable complexity, especially in a period of "downsizing". Our experience has taught us that there are no quick fixes in this delicate area. One of our major concerns is that there continues to be too much experimentation with too little planning.

One other area of federal activity continues to require very close scrutiny because of its impact on bilingual service. The privatization (or provincialization or muncipalization) in whole or in part of existing federal institutions may water down the commitment to provide service in English and French. The federal government has decided to examine the official languages aspects of privatization on a case-by-case basis. For example, in the case of Air Canada, it decided to carry over in the enabling legislation all the obligations of the Official Languages Act. However, in the case of CN hotels, it decided that a contractual commitment by the new owners to continue to provide bilingual services would suffice. The difficulty of verifying the application of such a clause is, of course, considerable. We do not yet know what will be done in respect of airports. We continue to believe that a detailed examination of the impact on bilingual services of each privatization initiative should be an essential element of the process.

Minority rights

Provinces with an Anglophone majority

The federal government made haste slowly this year in consolidating our linguistic structure (mainly through a thorough and generous reworking of the Official Languages Act). The Yukon took action to accept the fact that English and French are the official languages of Canada and to draw the conclusions of this fact for its territory. Ontario diligently pursued its plans to implement its French Language Services Act, and New Brunswick finally introduced a new, albeit incomplete, policy on the implementation of its language laws. However, other governments took actions that came in for severe criticism. For example, Saskatchewan and Alberta, responding to the Supreme Court decision in the Mercure case, each in turn had to decide what status French should have in their

legislatures and courts. Each decided in part and to varying degrees to derogate from the historic obligations imposed on them by Section 110 of the former North-West Territories Act — the same obligations that were and are the historic basis for a bilingual regime in Quebec that goes well beyond the actual technical provisions. They chose to trim from their constitutional tree certain linguistic branches that they deemed too cumbersome — this despite the commitment both had made by ratifying the Meech Lake accord to protect their official language minority.

Saskatchewan, while recognizing the right to use French in the Legislative Assembly and the courts, proposed (without specific commitments) to translate only certain legislative documents. Alberta sanctioned the exclusive use of English for its legislative documents, subject to express exception by resolution of the Assembly. It would, however, allow members of the legislature to speak in either official language and French to be used orally in certain courts. Saskatchewan compensated to an extent for the erosion of the historic language rights of the Fransaskois by agreeing to sign an important framework agreement and subsidiary agreements with the federal government on the promotion of official languages. Much will depend, of course, on the will it shows to implement them. Alberta, however, showed little inclination to accept similar enticements. In our view, the government of Alberta ought to respond to the federal government's offer of co-operation by granting Franco-Albertans greater formal recognition and providing essential services in French, particularly in education.

Section 23 of the Canadian Charter of Rights and Freedoms, which guarantees minority official language parents the right to have their children educated in their own language, was proclaimed more than six years ago. It is a "compensatory" provision, expressly designed to rectify past injustices. In 1988, this right is by no means fully recognized in most of the provinces and territories. With the exception of Quebec, New Brunswick and Ontario, the provincial governments are too often content to wait for the courts to tell them what to do. And yet the courts have spoken more than a dozen times, and examination of the precedents shows a broad consensus on the purpose of Section 23. Moreover, the Supreme Court, by deciding to hear the Bugnet case (Alberta) in 1989, is to rule on the issue. The relative inertia of a number of provinces is all the more aggravating to the minorities in that it coincides with their agreement in the Meech Lake accord to "preserve" the linguistic duality of Canada. How can we claim to preserve our official language minorities without taking concrete steps to provide effective instruction for their children in their own language? It is high time to put our house in order. After all, administrative and educational planning does not depend on a court, but rather on the will and leadership of elected officials. In sum, most of the Francophone minorities are starting from well behind and have not yet achieved their goal. In terms of services to minorities, there has been substantial progress in New Brunswick and Ontario and, to a lesser extent, in Manitoba, but the other provinces are just beginning to make a start. The

Commission nationale des parents francophones, with greatly increased support from the Department of the Secretary of State, is also striving to achieve improvements in this field.

Quebec

In March a statement of principle by the Commissioner in Annual Report 1987 concerning the vitality of French in Quebec and its relationship to treatment of the English language gave rise to an intense controversy. The Quebec National Assembly and the Quebec caucus of the Progressive Conservative Party denounced these remarks. Even before these positions were taken, the Commissioner had deplored what he regarded as a misunderstanding caused largely by the publication of an official summary that gave a poor rendering of the sentence in question. In addition, he emphasized his right and obligation to "lend a sympathetic ear to the Anglophone minority in Quebec", as he does to the other minority groups in Canada.

Part IV provides an update on the evolution of several language issues in Quebec. Before discussing the event that dominated the end of 1988, a little background information is in order. As we have often written, there are significant asymmetries between the English- and French-speaking minorities. Few informed observers could deny that the French language, which is in a minority position in Canada and still more so in North America, is seriously threatened. It is threatened from within and from without with regard to its quality, and from without with regard to its ability to compete, by the predominance of English in the media, by the worldwide dissemination of cultural, scientific and technological products, and in general in international relations. It is equally threatened by very worrisome demographic trends among Francophones for which immigration can hardly compensate. That is why the "language issue" is so acute in Quebec, the principal centre of the French language on this continent. In point of fact, Quebec is also the most bilingual province in Canada. Francophone Quebecers rightly feel that Quebec has traditionally shown more generosity towards its linguistic minority than was required of it by constitutional or legislative provisions. This we have often stated in the past. In short, Quebec is truly in a unique position: it is the only province in Canada that harbours two minorities, one national, the other provincial. The English language is not threatened in Quebec. This, however, does not mean that the community that speaks it, for whatever reasons, is not threatened. It too is experiencing serious problems often as a result of naturally weak demographics which are weakened still further by the exodus of the past 15 years and the slowing of in-migration. When we speak of asymmetries and attempt to make comparisons, let us not forget that this community increasingly recognizes the aspirations of contemporary Quebec.

The Supreme Court of Canada, in decisions handed down on December 15, 1988, declared unconstitutional and inoperative certain sections of the Charter of the French Language dealing with public and commercial signage and corporate names, essentially because of the incompatibility of those sections with respect

for freedom of expression. In so doing, the Supreme Court in general confirmed the decisions handed down previously by Quebec courts pursuant to the Quebec Charter of Human Rights and Freedoms and the Canadian Charter of Rights and Freedoms. The Court broke new ground by clearly confirming Quebec's right to legislate in language matters and by explicitly acknowledging the legitimacy of protecting the French language and preserving the "visage linguistique" of Quebec. It stated that the political authority might require not only the presence of French on signage but its marked predominance. The so-called "doctrine of marked predominance" was thus enunciated for the first time. The Court left to the government of Quebec the responsibility of determining how the decision was to be implemented, and acknowledged the possibility of recourse to an override clause.

In responding to the Supreme Court decisions, the National Assembly passed a bill amending the Charter of the French Language a few days before Christmas. This Act, which includes an override clause, upholds the prohibition on exterior signage in any language other than French while permitting signage in other languages inside businesses, in certain circumstances, provided that French is predominant. Regulations will specify how these principles are to be applied.

In explaining why he resorted to such a clause, Premier Bourassa stated that he had taken "an extremely difficult decision" on grounds of principles. Addressing English-speaking Quebecers during debate on the Bill in the National Assembly, he said:

> "My government is asking them, as I said, an enormous concession on grounds of principles. I am asking them practically to understand the position, to understand the unique situation of Quebec in North America and to understand that I have to take a decision between protecting the French culture which is an asset, not only for Quebec but for Canada. If Canada is an original country on this continent, it is because we have a strong French culture. And I want to keep this province a strong French culture because, at the same time, I am working for a strong Canada."

In taking its decision, the government of Quebec weighed the opposition shown to any weakening of the language regulations imposed by the Charter of the French Language, the general support of Francophone Quebecers for the principles of Bill 101 and the growing concern of many Francophones for the future of their language in Quebec and in the rest of Canada. It therefore made a choice that it regarded as a compromise, with the advantages and disadvantages that that implies. It expressed the hope that the strengthening of Quebec's cultural security might one day allow the province to dispense with use of the override clause or even to reconsider the advisability of the restrictive measures announced with regard to English.

The Parti Québécois did not accept the Premier's compromise formula and called for complete restoration of Bill 101. The Leader of the Opposition, Guy Chevrette, stated:

> "I would remind our fellow citizens that we have had a Supreme Court decision, that the highest court in the land says that the French language is threatened in Quebec. This decision of the Supreme Court also tells us that, with a 'notwithstanding' clause, an override clause, it is possible to restore Bill 101, which has given Quebecers, the whole French-speaking community, linguistic peace in Quebec for 11 years. This is very explicitly stated in the Supreme Court decision." [Our translation.]

Most editorial writers in Quebec's French-language press disagreed with the Supreme Court decision and endorsed the decision of the government of Quebec to use the override clause. Opinion was quite divided, however, about the value of the compromise it proposed.[1] One of those who accepted the Court's decision was the editor of *Le Devoir*, Benoit Lauzière, who wrote as follows:

> "The term 'visage linguistique' clearly carries heavy symbolic and emotional significance, but that significance must be found in the head and the whole body and not just in the face. Moreover, would it have been a negation of what we are to have other features in a face that is visibly Francophone or, on the contrary, an improvement?" [Our translation.]

For the Anglophone communities of Quebec, passage of Bill 178 was a very heavy blow. It caused the resignation of three of the four English-speaking ministers in Mr. Bourassa's cabinet. The Minister of the Environment, Clifford Lincoln, in a speech to the National Assembly, expressed the feelings of most Anglo-Quebecers:

> "I feel that the 'visage linguistique' of Quebec, as the judges of the Supreme Court said, should reflect the reality of Quebec society. Quebec society is very largely French-speaking. Chicoutimi will not change. Montreal, which has the biggest role to play, will never change. But there are also places where Anglophones live. They too have the right to see their language used somewhere outside, in order to be able to feel a sense of self-worth." [Our translation.]

The President of Alliance Québec, Royal Orr, termed the passage of the law a "dark day for Quebecers" and indicated that his association would continue to fight for respect for the rights of English-speaking Quebecers while seeking to resume dialogue with its French-speaking fellow citizens.

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1 As we were going to press, we also learned of the thoughtful position of editorial writer Jean Paré in *L'Actualité* (February 1989): "But above all, the solution proposed by the Supreme Court may have done more for French and for Quebec. The linguistic landscape may have made it clear, in the most eloquent way, that French is the principal language of Quebec." [Our translation]

While some spokespersons for the Francophone communities outside Quebec said they understood the Quebec government's decision, others stated that it would be better to promote French without infringing fundamental rights. The opinion of the media and of most Anglophone leaders in Canada was that it would have been better to apply the "marked predominance" formula advocated by the Supreme Court. The resort to an override clause was very widely criticized. At year's end, the Premier of Manitoba, Gary Filmon, withdrew the motion for ratification of the Meech Lake accord which he had tabled in the Legislative Assembly, citing as his reason the action by the government of Quebec.

Finally, on December 30, a fire caused by arson destroyed the Montreal headquarters of Alliance Québec, an organization dedicated to defending, by democratic means, the interests of English-speaking Quebecers. This act was denounced by many Canadians, including the Commissioner of Official Languages.

As he stated on December 20, the Commissioner continues to believe in respect for the fundamental rights of minorities as defined by the Supreme Court; the marked predominance of French can take a form that makes resort to an override clause superfluous. He understands the feeling of helplessness of many members of Quebec's English-speaking community and the legitimate concerns they feel for their future as a community. Most of them accept the predominance of French in all sectors of Quebec society; they freely admit that the survival and vitality of their language, which has a large place in broadcasting and communications, is not threatened in Canada or in Quebec. What they do not accept is that this language has to take refuge inside business premises.

For a country solemnly dedicated to the protection of the rights of its official language minorities, a country which had striven to avert the danger of linguistic polarization, 1988 was a bitter year. Canadians have found to their surprise that the language crisis that raged over 20 years ago is not wholly resolved. We know more clearly than before just how fragile the coexistence of the Anglophone and Francophone communities in Canada may be and that the falling birth rate, immigration and the prospect of a gradual erosion of the French language in North America weigh heavy in the balance. It is therefore important to ensure the linguistic security of Francophones in Quebec and in the rest of Canada. In our view the fulfilment of this objective is compatible with full respect for the fundamental rights of all Canadians. Will our collective will to live together triumph over our divisions? If we always strive for the highest common denominator with respect to language rights, there is reason for hope.

Advancing equality

In constitutional terms, only the federal government and New Brunswick have recognized, under Section 20 of the Canadian Charter of Rights and Freedoms, the right of members of the public to use English and French in communications

with government institutions. However, if there is one area outside education and the courts in which consensus on official language matters appears possible, it is the provision of services to the linguistic minority communities. Recognition of a right to services does not necessarily call for the creation of the full-blown bilingualism which some people believe is required if English and French are recognized as official languages at the provincial level. In this connection, we suggest that the federal government propose to the provinces the adoption, at a constitutional conference in the near future, of a formula designed to support the development of English and French linguistic minorities and to reduce the current differences in the status of English and French across Canada by extending services to their minority in the appropriate language. Such an initiative would not only reflect the spirit of the new Official Languages Act but would also respond to Section 16(3) of the Canadian Charter of Rights and Freedoms which gives Parliament and the provincial legislatures authority to "advance the equality of status or use of English or French." In this regard, it should be borne in mind that Section 43(1)(d) of the Act gives the Secretary of State the mandate to "encourage and assist provincial governments to support the development of English and French minority communities generally and, in particular, to offer provincial and municipal services in both English and French and to provide opportunities for members of English or French linguistic minority communities to be educated in their own language".

Federal-provincial co-operation

One of the important results of the "mission" assigned to the Secretary of State's Department in Bill C-72, and then in the new Act itself, of enhancing the vitality of the English and French linguistic minority communities and fostering the recognition, learning and use of English and of French in Canadian society, was the decision to negotiate and conclude "framework agreements" with the provinces. The first such agreement was signed with New Brunswick in October 1987, and four others were concluded in 1988 with the Yukon, Prince Edward Island, Saskatchewan and Ontario. The last two included significant funding. These agreements focus specifically on the development of the minority communities, a goal that is in keeping with the federal government's commitment to the advancement of official languages. They also underline the complementary nature of federal and provincial government activities in official languages.

The framework agreement with Saskatchewan, signed last June, represents a model of its kind and merits special attention. Remarkable for its scope and nature, it establishes a formal mechanism for co-operation between the two governments. In addition, there are three subsidiary agreements and another with the Association culturelle franco-canadienne de la Saskatchewan. Some $60 million will be allocated to the teaching of the official languages and to bilingualism in the Legislative Assembly and the courts. The agreement also provides for regular consultation with representatives of the Fransaskois community.

Following are the highlights of the three subsidiary agreements:

- Adoption of Saskatchewan's laws and regulations in English and French as soon as possible, and use of French in its courts and Legislative Assembly. A list of the first 45 acts to be translated is appended to the agreement. The federal contribution could amount to $3,250,000 over 10 years.

- Establishment of a Francophone Affairs Co-ordination and Translation Office, which will, among other things, provide liaison with the Fransaskois community and co-ordinate the province's official languages initiatives. Ottawa will contribute $300,000 per year for five years, after which its contribution will gradually decrease.

- The administration and control by Francophones of their own schools ($26 million over 10 years). The agreement also makes provision for funds for the rebuilding of Collège Mathieu in Gravelbourg (up to $4 million), for the development of minority language education ($10 million over five years) and for the creation of a language training institute for post-secondary studies in French ($17 million over five years).

In its $17 million framework agreement with the Association culturelle franco-canadienne de la Saskatchewan, the federal government agrees to promote the development of the Fransaskois community as a whole in nine priority areas. The agreements gives particular emphasis to the participation of federal departments and agencies in developing a comprehensive approach to promotion of this community. Interdepartmental federal consultation and federal-provincial co-operation are appropriate for "enhancing the vitality" and "supporting the development" of the Anglophone and Francophone minorities — qualitative and quantitative concepts that are to be found in the new Act. Moreover, such an approach reflects the vision of the Prime Minister, who wrote to his Cabinet colleagues as follows in July 1987:

> "I would like to note in particular that the Government is committed to fostering and supporting the growth and development of Canada's English- and French-speaking minorities. It is therefore essential that all federal departments and agencies contribute to strengthening these communities and bear them in mind when developing policies and implementing programs."

There may, however, be serious discrepancies between the agreement and the way in which it is implemented. The Fransaskois are already concerned about delays and certain interpretations which, in their view, distort the agreement. For the moment, let us be optimistic.

The Canada-Ontario framework agreement on the promotion of official languages, concluded at the end of November, is designed to assist in the

development of that province's Francophone community by, among other things, facilitating its access to high-quality services in French. The federal contribution, which was $2,370,375 in 1987-88, will be $1,888,688 in 1988-89. These funds are used to finance a wide range of projects, including studies on day care needs and on French-speaking personnel in the health care field. The number, quality and scope of the scientific programs for Francophones visiting Science North will be increased. In addition, it was announced early in 1989 that Canada and Ontario had signed a $100 million cost-sharing subsidiary agreement to establish a French-language college of applied arts and technology in the Ottawa area by 1990, with new facilities planned for September 1992.

This very promising strategy is a signal of progress. It must produce significant and tangible results at both the regional and the national levels in priority sectors: education, communications and culture, health, social services, justice, etc. It will require the active support of the public and, in particular, of the minority communities. The Secretary of State's Department is currently discussing the possibility of concluding similar agreements with Quebec, Alberta, Manitoba and Nova Scotia. It is hoped that these discussions will soon bear fruit, if only to give the lie to the naysayers.

It should be noted that, in the spring of 1988, the government of Quebec announced its intention to increase funding to the Francophone minorities outside Quebec from $1 million in 1987-88 to $2.5 million in 1989-90.

Second-language instruction

The 1988 Official Languages Act expressly mentions the federal government's commitment to "encourage and support the learning of English and French in Canada". In stating this objective, the government was simply expressing the principal objective of the Official Languages in Education Program of the Secretary of State's Department, which is, among other things, to increase the opportunities of both language groups to learn the second language. While the traditional second-language instruction programs continue, year in and year out, to offer students basic instruction, the increasing enrolment in French immersion programs (currently 241,140 students) shows that many Anglophone parents see this type of instruction as a unique opportunity to provide their children with a valuable cultural and economic asset. The commitment of Anglophone parents is seen, for example, in their participation in the national voluntary association, Canadian Parents for French, which, while promoting access for all Anglophone students to high-quality instruction in French as a second language, has tirelessly drawn attention to and defended the right of Francophone children outside Quebec to education in their mother tongue in accordance with Section 23 of the Canadian Charter of Rights and Freedoms. Unfortunately, while demand for minority and second-language instruction is increasing significantly, the budget of the new federal-provincial protocol on official languages instruction, as we shall see later, may not be sufficient to meet the requirements and promises of the future.

The private sector

While the 1969 Act said nothing about the role of the private sector, the 1988 Act emphasizes the commitment of the federal government to work with the business community, labour organizations and voluntary organizations in order to contribute to linguistic equality in Canadian society. The Secretary of State's Department took a first step in this direction in October 1988, when it co-sponsored, with the Canadian Society of Association Executives and this Office, a colloquium on "The Language of Business and the Business of Language". This colloquium brought together some 60 representatives of voluntary and labour organizations, official language minority associations and federal, provincial and municipal government bodies. These representatives debated the conclusions and recommendations of a study conducted by the Canadian Society of Association Executives of its members' official languages requirements. Of the recommendations that emerged from workshops, keen interest was aroused by one proposing the establishment of a "business language centre" and another designed to improve federal-provincial co-ordination of relations with the private and voluntary sectors. The Secretary of State's Department is currently considering what action to take on the many recommendations. We hope that this colloquium is merely the first step towards continuing consultations with the private sector concerning the needs of the official language minority communities.

Canadian council on official languages

One of the most interesting results of discussions at the colloquium was the support of most of participants for the creation of a Canadian council on official languages whose mandate would take into account the role of voluntary associations and the business community in the advancement of English and French in Canadian society. The establishment of such a council, which was proposed by the government in June 1987 upon tabling of Bill C-72 as a mechanism for advising it on the advancement of official languages, is still under consideration. We still believe the idea is worthwhile. Such a council could play a vital role in promoting official languages in Canadian society if its mandate allowed it to consider practical solutions to the problem facing the official language minorities. Naturally, it would be advisable to structure the new organization in such a way that it can be useful without duplicating the work of existing associations or agencies.

Municipal services

In the course of a year, the average citizen may have any number of reasons to be in touch with municipal government authorities, whose responsibilities usually include emergency services (911 number, fire, police), by-law enforcement, local taxes and utilities, garbage collection, welfare and a host of other services. We were therefore pleased to see the efforts made by several authorities in 1988 to promote, where appropriate, the delivery of municipal services in both official languages.

One such initiative was a wide-ranging study of bilingual municipal services commissioned by the Federation of Canadian Municipalities (FCM). The project included detailed case studies of several municipalities in New Brunswick,

Quebec, Ontario and Manitoba, and a survey of 116 municipalities across Canada. Upon completion of the research in 1989, the FCM, which has already co-published (with the Department of the Secretary of State) several useful bilingual glossaries of municipal government terminology, will issue a practical "how-to" booklet for municipalities interested in offering or expanding bilingual services.

The cost of official languages

Our examination in last year's Report of real expenditures for all official languages programs in constant dollars showed a decline of over 20% in the past eight years. We expressed the fear that resources allocated to the various programs were insufficient. Will 1989 mark the beginning of a turnaround in this regard? We certainly hope so.

Despite stricter requirements, making the Public Service bilingual does not require a huge increase in funding. Stronger leadership by senior managers and greater awareness of their responsibilities by employees at all levels can in themselves result in quite radical changes in behaviour. Savings are also possible; we have repeatedly suggested that in many cases the bilingualism bonus in its present form ($46 million in 1987-88) is increasingly less well adapted to current requirements and has little incentive value. It is important, however, to provide increased assistance at once for programs designed to produce an immediate improvement in the quality and regularity of federal services to the minorities wherever there is significant demand. As will be seen later, the complaints we receive and the audits we conduct confirm that these services still leave much to be desired, particularly in outlying regions. If we are to convince our official language minorities that the constitutional guarantees clarified in the new Official Languages Act can, in fact, improve their day-to-day lives, this problem must be solved. Care must also be taken to ensure that sufficient funds are made available for translation budgets.

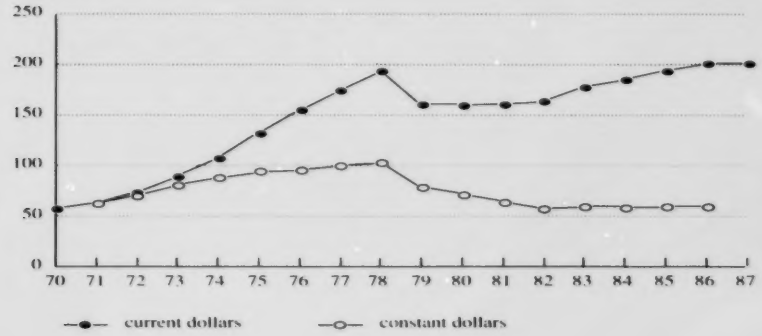
Section 109 of the new Act provides that payments may be made to Crown corporations in the four fiscal years following its coming into force to assist them in implementing the Act. The Treasury Board has informed them that it is prepared to make such payments. Twenty-five person-years have also been found to promote departmental activities for the retention of second-language skills. It is not clear, however, that these initiatives, even if they are subject to regular controls, will constitute the needed spur.

What is essential in this regard is to soberly assess what remains to be done to achieve the objectives of the new Act and to plan accordingly, allocating the required resources. Above all, the fine tuning of an administrative machine whose smooth running is essential to the accomplishment of a great national undertaking must not be neglected out of concern for economy.

The Secretary of State announced in June that the federal government planned to allocate an additional $195 million over five years for the official languages program (grants to the provinces and minority associations, and programs to expand bilingualism). The Official Languages in Education Program (OLE) is to receive $145 million, while funding for the Promotion of Official Languages Program (POL) is being increased by $50 million. These additional funds bring spending for these two programs to $1.4 billion over five years, an increase of 16% over five years in current dollars, and hence most likely an increase for POL but an overall decrease in real terms. The increase in the funds allocated to official languages instruction has already been below the rate of inflation (about 4% annually) for five years and below the overall rate of growth of government expenditures in constant dollars (4% to 5% annually).

Table I.1

Federal contributions under the OLE, 1970-71 to 1987-88, in current dollars and in constant dollars deflated by the Education Price Index



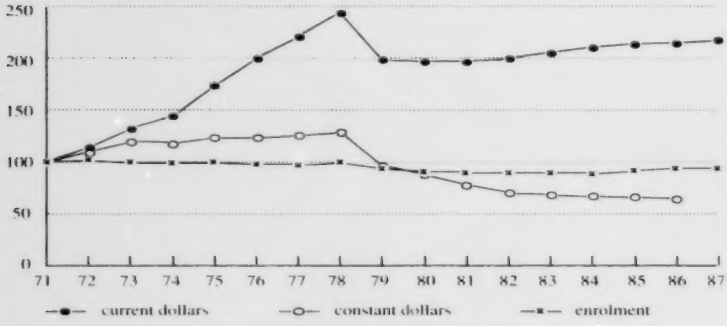
Source: Department of Secretary of State and Statistics Canada-Cansim # 005 90304

Table I.1 shows that the total contribution to the program increased from $57.5 million in 1970 to $201 million in 1986-87. However, when this sum is deflated by the Education Price Index (EPI), an index that measures price changes for a representative selection of goods and services purchased by school boards, we find that program funding has not increased significantly over time. Table I.2 shows that while the number of students enrolled in minority and second-language education programs has remained relatively stable over the life of the program, "formula payments" (based on enrolment figures), measured in constant dollars (deflated by the EPI) have not kept pace. In fact, the level of funding in constant dollars in 1986-87 was lower than in 1970-71. While enrolments in 1986-87 were 6.3% lower than at the beginning of the program, formula payments calculated in constant dollars dropped by 37.8%. In fairness, it should be mentioned here that OLE funds allocated for bilingualism development projects

rose constantly, if slowly, over time. While these tables do not reflect fully the complex evolution of the OLE program, they do afford a fair idea of funding trends.

Table I.2

Growth indices of second language and minority language enrolment* and formula payments under the OLE, 1970-71 to 1987-88, in current dollars and in constant dollars deflated by the Education Price Index



* Enrolment data are based on full-time equivalents (FTE) which means that the figures are adjusted to reflect, for example, the low amount of instructional time of "core" second-language students.

Source: Department of Secretary of State and Statistics Canada
Cansim # 005 90304

The new Protocol on Official Languages in Education tends in part to repair the ravages of time, although it does no more than ensure annual growth slightly below foreseeable rates of inflation. It therefore does not herald a massive commitment to the expansion and improvement of minority language or second-language instruction. It appears that the provinces have consented to a rebalancing that would result in their making a greater financial contribution. We hope that this will be the case; not only is federal funding limited in the foreseeable future to a nominal increase but, because priorities are changed and new initiatives emphasized, the contribution to what might be called routine expenditures is correspondingly reduced.

The definition of priority areas in this budgetary framework seems to us very sensible. First priority is assigned to improving access to minority language education at all levels and to expanding services in French at the post-secondary level. It is anticipated that approximately two-thirds of the new funds will be allocated for these purposes. Although modest, this is a step in the right direction. The second priority is teacher training and second-language instruction, and

the protocol also recognizes how important it is for each level of government to consult the groups concerned. If there is one investment more than any other that should contribute to the establishment of a fair and balanced linguistic order in Canada, it is minority language education and second-language instruction. Far from being a risky gamble, increasing the funds allocated for such purposes would be a sound investment.

The $50 million increase over five years (38%) in the funds allocated to the Promotion of Official Languages Program is proportionally more significant and there is every reason to rejoice in it. These funds will be used, for instance, to enhance the vitality of the official language minorities by providing direct assistance to parent and community groups, by promoting, through federal-provincial-territorial agreements, the provision of new provincial and territorial services to official language communities and by encouraging non-profit organizations, national associations and others to expand and improve their services in the other official language.

No one would claim that it is easy for the federal government to reduce the budget deficit and increase the resources available in certain sectors. However, by adopting a new Official Languages Act that specifies and strengthens the language rights of Canadians, by committing itself to enhance the vitality of minority communities and by promising to enhance opportunities "for everyone" to learn English and French as second languages, the government of Canada has defined national priorities. It is to be expected, therefore, that it will allocate the funds required for the speedy and uninterrupted fulfilment of these commitments. This is surely indispensable if we wish to leave to our children a country where a better knowledge of our two national languages will improve our ability to communicate and thereby help break down our two solitudes.

From Act to action

The Canadian Charter of Rights and Freedoms and the linguistic principles underlying the Meech Lake accord provide a new framework for the 1988 Official Languages Act. The Charter deals with the rights of individuals, establishing that everyone has the right to use English or French in Parliament, in any court established by Parliament and, with certain restrictions, to obtain service from institutions of the Parliament or government of Canada. The Meech Lake accord emphasizes the rights of minority communities by recognizing the existence of English-speaking and French-speaking Canadians as a fundamental characteristic of Canada and by stating that it is the role of Parliament and the provincial legislatures to preserve that characteristic. Regulations under the Act must therefore be open and generous enough to encompass both the rights of individuals and the rights of language minorities, while the promotional activities undertaken should protect and enhance to the fullest extent possible the vitality of minority communities.

For the Act to achieve its purpose, its implementation must be, and be perceived to be, fair and effective, and the various institutions responsible for the success of the venture must assume their respective roles in full. The central players involved are the Treasury Board Secretariat, the Department of the Secretary of State, the Public Service Commission, the Commissioner of Official Languages, and, in its capacity as a general overseer, the Standing Joint Committee on Official Languages. The Privy Council Office, which is no longer mentioned in the Act, must remain a key actor, as it is in any high priority area which calls for broad policy formulation and co-ordination. And each federal institution also has a specific role to play.

Part VI of this Report contains an outline of an action plan for a revitalized official languages program as described in the analyses, conclusions and recommendations found throughout. In concluding this chapter, then, we limit ourselves to the following general recommendations.

We recommend that Government establish a master plan for implementation of the Official Languages Act, 1988, based on the following:

- **that the federal government promptly develop and adopt regulations reflecting the letter and spirit of the Act;**

- **that the federal government develop an ongoing communications program, at the political and administrative levels, designed for Canadians in general and for federal managers and employees in particular, dealing with the philosophy, objectives and implementation mechanisms of the Act, as well as with the programs that flow from it, so that everyone is aware of his or her rights and obligations, and of government policy;**

- **that, given the importance of sound economic management as well as the high priority attached to official languages and the pressing needs of some sectors, the federal government assign adequate resources to its language programs;**

- **that the Treasury Board Secretariat take additional measures to clarify and increase managerial accountability for official languages matters in federal institutions;**

- **that the federal government conduct ongoing studies of the impact of privatization initiatives on the provision of service in both official languages and take appropriate measures to ensure that progress is maintained and linguistic obligations fully respected;**

- **that measures be adopted to support the efforts of cultural agencies to protect and promote the identity and the linguistic and cultural integrity of Canada;**

- **that the federal government, in co-operation with the Government of Quebec and other interested parties, conduct ongoing impact studies on the effects of evolving free trade arrangements on the French language and culture in Canada, and take such compensatory measures as may be required;**

- **that measures be adopted to ensure the greatest possible harmonization of national commitments undertaken with respect to the official languages and the federal government's policy on multiculturalism;**

- **that, in the near future, the Department of the Secretary of State assess the follow-up to be given to recommendations of the recent Colloquium on the Private Sector;**

- **that the Department of the Secretary of State pursue negotiations, with all provinces and territories, of framework agreements for the promotion and development of minority communities, supervise their implementation and systematically evaluate results;**

- **that the federal government propose to the provinces the adoption, at one of the next constitutional conferences, of a formula designed to support the development of the English and French linguistic minorities and to reduce the current imbalances in the status of English and French across Canada by extending services to their minority in the appropriate language.**

2. The Official Languages Act, 1988: In the Making

For us, 1988 was a long time coming. The first Official Languages Act was enacted in September 1969 and it had become apparent to all that the original legislative blueprint was in need of renewal. This should not, however, stop us from bearing homage to the former, now repealed, Act.

The 1969 legislation was in many ways revolutionary. The best evidence, perhaps, of its abiding excellence is that its main ideas and principles have been carried forward into the 1988 version. The vision of equality of status, of firm yet flexible institutional obligations, and of a language ombudsman to monitor and spur progress towards the illusive goal remains intact. In that continuity of purpose we rejoice, but we also rejoice that the new Act clarifies the vision, and provides more and sharper instruments for achieving it.

A revamped Act became essential primarily because of the inclusion in 1982 in the Canadian Charter of Rights and Freedoms of the principle of equality of status of English and French and of the right to obtain federal government services in both languages. Sections 16 to 22 of the Charter elevated to constitutional status the central concepts of the former Official Languages Act with one significant difference: in addition to the existing test of significant demand for bilingual service, it added the new one of "nature of the office". The latter test means that where a federal office is of such immediate importance to the citizen (for example, a customs office at the border), the services it offers will have to be made available, in some manner, in both languages, regardless of demand. The new law had to incorporate this new constitutional test. Unlike the former Act, which had tests of significant demand and feasibility as well as provisions for bilingual districts (where demand would have been assumed), the new Act uses only the two criteria of significant demand at a given office and the nature of the office.

Additionally, the newly negotiated but still unproclaimed Meech Lake accord had turned the hitherto rather vague policy of preserving the language minorities into a high constitutional commitment. The new Act had to reflect this commitment on the part of the federal government and provide a framework for federal-provincial co-operation.

Our chapter last year on Bill C-72, as the Act was then known, betrayed a tinge of impatience mingled with anxiety that the Bill might perhaps never make its way into the statute books. The Bill was tabled for first reading on June 25, 1987, just a few weeks after the Meech Lake accord was signed. There, for a variety of reasons, the Bill was stalled. It was not until March 1988, some nine months later, that it went to second reading.

Second reading was an occasion for some fine speeches by representatives of all three parties in the House of Commons. All praised the Bill's reformist content and urged an expeditious passage. The House gave unanimous approval in principle to the Bill and referred it to a legislative committee for study.

Some members of the Committee were extremely wary of the Bill, especially Parts V and VI which deal with the right of public servants to work in their own language and the equitable participation of the two language groups. As the meetings unfolded, these members brought to the Committee the fears and concerns of many in English-speaking Canada that the Bill went too far and risked jeopardizing the career opportunities of unilingual Anglophones.

Some degree of misunderstanding about the Bill's scope was doubtless inevitable, and indeed there was some. But the scepticism expressed was constructive in that it allowed the Bill's proponents in all three parties, as well as expert witnesses such as the Commissioner, to explain the Bill's realistic intentions and to allay exaggerated fears.

One of the first difficult tasks that confronted the Committee was to decide whom to invite as witnesses in addition to the responsible ministers, the Commissioner and the principal minority language associations. Some 117 groups and individuals asked to appear. To accommodate all of them would have kept the Committee in session interminably and, with an election call around the corner, perhaps would have risked having the Bill die on the order paper.

In the end the Committee agreed to hear from representatives of 17 groups and institutions. These represented a fair cross-section of opinion and included the major interest groups most affected by the Bill, such as Alliance Québec and the Fédération des francophones hors Québec, both of whom applauded the Bill while making constructive proposals. The lobby group representing probably the most vehement opponents of bilingualism, the Alliance for the Preservation of English in Canada, was given a substantial and respectful hearing.

The Minister of Justice, Ray Hnatyshyn, and the Minister of State (Treasury Board), Douglas Lewis, spent long hours before the Committee clarifying the scope and intent of important provisions. The Commissioner also appeared twice as a witness and was present throughout the hearings, having been granted standing before it as something akin to a friend of the court. This enabled Committee

members to put questions to him even when he was not formally testifying and allowed him to intervene with comments or suggested improvements to the Bill. This was in keeping with the responsibility given him by the 1969 Act to recommend improvements to it and with the Commissioner's contribution as adviser during the drafting of the Bill.

Having canvassed expert or interested opinion over several weeks, the Committee went on to the task of clause-by-clause study. At the beginning the Minister of Justice made it clear that the government was generally happy with its Bill and had no intention of entertaining substantive changes to its basic principles of language equality, protection of the official language minorities and strengthened institutional bilingualism. At the same time, he declared his openness to amendments, in drafting or even substance, provided they were bona fide "improvements" and not attempts to water down the Bill or extend its reach beyond acceptable limits.

His caveats did not prevent a flurry of amendments, most designed to weaken the Bill, some to strengthen it. After much debate, a relatively small number of substantive changes were accepted by the Committee, together with many minor ones designed to make the English and French versions correspond more closely and to clarify possible ambiguities. Some of the changes were made to allay fears, expressed often during the hearings and echoed in the media, primarily in the West, that the Bill "went too far", that it could prejudice unduly the career aspirations of unilingual Anglophones. Other changes responded to proposals, by the Commissioner in particular, to strengthen the Bill and enhance the Commissioner's watchdog role.

To allay concerns that bilingual regions for purposes of language of work might be created arbitrarily by the government using its regulatory powers under the Bill, several amendments were made to ensure that regulations would be subject to parliamentary scrutiny. These regions are quite distinct from areas or offices where, because of significant demand or because of the nature of the office, service is to be provided to the public at large in both languages. Bilingual regions are for internal administrative purposes. Part V of the Act sets up a flexible scheme to "accommodate the use of either official language by...officers and employees". In the Bill as tabled, such a scheme was only to come into effect in the National Capital Region and in regions to be established by government regulation. Rather than await such regulations, the Committee accepted a proposal by the Minister of Justice to incorporate into the Act by reference those regions already in existence by virtue of a Treasury Board directive.[1] They include the

[1] Internal directives, while binding on government departments, do not have force of law and could not form the basis of a proceeding in court.

National Capital Region, areas of eastern and northern Ontario, the Montreal area, parts of the Eastern Townships of Quebec, the Gaspé and west Quebec, and the whole of New Brunswick.

The regulation-making authority of the government (technically the Governor in Council) to add to or subtract from the above list was made subject to some important legislative controls. The first change was to insert in the Bill some criteria to guide the government s decision making and prevent the capricious designation of bilingual regions. In making such designations, government is to have regard to the number and proportion of Anglophone and Francophone public servants, to the same factors among the population at large, and any other appropriate criteria.

In addition, the Bill was changed to provide that all regulations under the Act would be subject to a pre-publication scheme designed to give parliamentarians and the public genuine input into the regulatory process.

Thirty sitting days before it is to be published in the *Canada Gazette*, the President of the Treasury Board or the responsible Minister must present a draft of the proposed regulation to the House of Commons. The proposed regulation cannot come into force until 30 sitting days after it has appeared in the *Canada Gazette*, and a reasonable opportunity has been offered to interested persons to make representations to the President of the Treasury Board. This means that parliamentarians who may object to a proposed regulation will have ample time to swing into action, attempt to mobilize public support, and perhaps get the government to withdraw or amend its proposal. With one exception, Parliament cannot itself — short of amending the Act — stop a regulation from eventually becoming law should the government stick to its original proposal.

The exception has to do with any regulations adding to or subtracting from the list of bilingual regions. Such regulations, in addition to the pre-publication steps, would also be subject to a negative resolution procedure whereby 15 Senators or 30 Members of Parliament could put the proposed regulation to a vote and have it defeated and withdrawn should a majority vote against it.

While not unknown in Canadian legislation, such a procedure is unusual in that it gives to Parliament the ability to defeat subordinate legislation, authority for which it has already, in the legislation itself, delegated to the executive. Theoreticians of parliamentary democracy may be troubled by these provisions allowing greater scrutiny by Parliament. In our view, however, all of these precautions are salutory checks on the government's regulatory powers and ought not, we think, impair the government's prerogative to govern.

The other major concession to concerns that the Bill might hurt the careers of Anglophones was the addition of a non-discrimination clause requiring that the linguistic designation of positions be done solely on objective grounds.

Henceforth, the designation of a position as bilingual, or staffing it "imperatively" with someone already bilingual, will have to be justified on the basis of objective need. Persons aggrieved, or indeed any complainant, may invoke this new section to complain to the Commissioner and ultimately, failing a satisfactory solution, have the issue brought before the Federal Court. We consider this provision a very useful control device on the creation and staffing of bilingual positions. Given the emphasis in the Act on institutional rather than personal bilingualism, it was necessary to have some basis for challenging a decision, as a result of which someone holding or aspiring to a position had to be, or become, bilingual.

This new provision will now give the Commissioner clear jurisdiction to attempt to resolve disputes without the need for complainants to seek pre-emptive court remedies on their own. In years past there had been a small number of complaints of this type but, to date, there has not been the rash of complaints challenging the designation of positions and related matters that some expected. There is certainly room for improvement, however, and we hope the new provision will prevent the unnecessary creation of bilingual positions, as well as serve to correct them after the fact.

At our suggestion, a number of changes were made to the Bill to strengthen the Commissioner's hand and help in the running of his Office. A section was added allowing the Commissioner, where he believes on reasonable grounds that a complainant has been intimidated or the complainant or a staff member has been obstructed in the course of an investigation, to report the incident to the President of the Treasury Board and the deputy head concerned. Such incidents could also be made public if necessary. Officials are almost invariably cooperative but we sometimes meet with resistance; more commonly, complainants who are public servants sometimes feel unduly pressured by their superiors to back off. The new provision will enable us to deal effectively with this kind of resistance or pressure.

One of the Act's major innovations, the creation of a statutory right of action which permits a complainant or the Commissioner to apply to the Federal Court for a remedy, was improved by an important procedural change. Concerned by the possibility that only evidence of the complaint or complaints that formed the basis of the application would be admissible in Court, we suggested that a clause be added allowing evidence of similar complaints involving the same institution to be admissible. This was accepted. As a result, complainants using the new court recourse, or the Commissioner acting on behalf of a complainant, will be able to show a course of conduct on the part of a federal institution as a backdrop to the particular facts put before the court. The defence that "it was only a momentary slip" or "it was out of character" will be harder to prove. We think this useful addition will allow us to make more effective use of the court remedy in attacking problems or shortcomings that are systemic in nature.

The inclusion in the Act of a specific court remedy procedure allowing the Commissioner to apply to the Trial Division of the Federal Court raised the technical legal problem of whether the Commissioner was barred as a consequence from appearing in other courts on other language issues. We had in mind such cases as those involving minority language education under Section 23 of the Charter of Rights and Freedoms, in several of which the Commissioner had been granted leave by provincial courts to intervene. A recent decision of the Supreme Court of Canada suggested that a statutory officer could only do what his statute empowered him to do, and that being granted standing by the statute in certain court proceedings implied a lack of standing in others. To prevent the application of this principle and to preserve the Commissioner's ability to intervene in important language cases other than those arising out of complaints under the Act, a new clause was added giving the Commissioner the capacity "to seek leave to intervene in any adjudicative proceedings relating to the status or use of English or French."

As a housekeeping measure, the Committee also included a clause permitting a greater degree of delegation within the Commissioner's Office than had hitherto been the case.

In the part of the Act that consequentially amended the part of the Criminal Code extending the language rights of accused persons, the Committee added one further protection: any written judgment issued must be made available in the language of the accused. And, in the parliamentary sphere, a provision was added requiring that any document tabled in Parliament that is prepared by or under the authority of a federal institution is to be tabled in both languages. These suggestions were put forward by the Liberal Party's representative on the Committee, Jean-Robert Gauthier, a long-time advocate of minority language rights. Other suggestions of his, all intended to strengthen protections for the minorities or extend the scope of the Act, were either not accepted by the Committee or withdrawn in favour of similar government amendments.

To make it abundantly clear that the courts covered by Parts I, II and III of the Act are federal courts and not provincial courts, the Committee inserted the adjective "federal" before every mention of the word "court".

The Committee also adopted a number of minor technical amendments put forward by the Minister of Justice to bring the English and French versions closer together in meaning. As well, the Yukon was explicitly excluded from the ambit of the Act, following a federal-territorial agreement and the adoption of a Yukon Languages Act mirroring the federal one. The Yukon legislature cannot reduce the protections in its legislation without the consent of Parliament. A similar provision for the Northwest Territories had been in the Bill from the beginning.

Happy as we were with the improvements made to the Bill during the Committee stage, we were unable to convince members to accept all of our proposals.

In particular we failed to convince them of the usefulness of a provision requiring the government to study and make public the official language implications of privatizing Crown corporations. They apparently wished not to interfere legislatively with the government's case-by-case approach to privatization. The Committee also chose not to accept our proposal to widen the ambit of the clause requiring regulatory agencies to ensure that persons or organizations regulated by them are able to serve the public in both languages in activities that relate to health, safety or security. We felt that the regulatory agencies responsible for key areas like telecommunications, broadcasting and interprovincial transport should also have a mandate to take language concerns into account when regulating these important service areas.

Thus fortified, and leaving the hot embrace of a hundred delicate negotiations, the Bill was sent back to the House of Commons for third and final reading, but not before one final attempt was made to derail it. At the report stage, between study in Committee and third reading in the House, any Member of Parliament can move proposed amendments. A flood of 210 poured forth; some motions were wholly antithetical to the purpose of the Act, proposing to limit the provision of services to the minority only when it reached 20%, or restricting the use of French as a language of work to Quebec and the National Capital Region, or outlawing French altogether in the Armed Services during combat. Others were less extreme but clearly in conflict with the Act's guiding principle of equality of status. Some of the motions were rejected on procedural grounds and the rest were grouped and voted down.

Third and final reading in the House of Commons was preceded by a highly public attempt by the government to limit the number of dissenters prepared to vote against the Bill. A passionate speech by the Prime Minister at the government's weekly caucus meeting, widely reported in the media, had its effect, and on July 7, 1988, the Bill cleared the House of Commons by a vote of 129-9. It was 19 years to the day since the original Act had cleared the same hurdle.

Examination of the Bill in the Senate was much quicker and less controversial. First reading took less than half a day and the *ad hoc* committee formed to examine the Bill met only once. The recently-appointed Secretary of State, the Honourable Lucien Bouchard, appeared before it together with the Minister of Justice. Some pointed questions were put to Mr. Bouchard about Part VII of the Bill, which gives the Secretary of State responsibility for co-ordinating a program of support for the English and French language minorities. Against the backdrop of a lively public debate about whether these powers would derogate from Quebec's efforts to promote the French language within its own jurisdiction, some Senators wished to know whether the Secretary of State would apply the law energetically in Quebec. He said he would. He also said that the federal government would never accept a provincial veto over its responsibilities to protect and promote the language minorities. Given the conflicting signals in the

press, however, exacerbated by the rhetoric of a just concluded by-election in Quebec, some doubts remained in the minds of some Senators. It is worth noting, however, that even before the Act was proclaimed in force, the Secretary of State's Department had entered into agreements with several provinces to support in a variety of ways their Francophone minorities.

The Bill was approved on third reading in the Senate on July 27, 1988, and received royal assent the next day, becoming Chapter 38 of the *Statutes of Canada*, 1988. The proclamation of the Act, which effectively repealed the former Act, took place on September 15, 1988. However, the 1969 Act and associated policies and directives will remain in force unless changed or found to be in conflict with provisions of the new Act or its regulations. To use the words of the Interpretation Act, the new law is to be construed as "a consolidation and as declaratory of the law as contained in the former enactment." The coming into force of Section 95, dealing with pre-printed bilingual court forms, was delayed to February 1, 1989, to allow the provinces affected time to make the changes required.

The Act is now in force, but what of the regulations, through which much of the fine-tuning is to be accomplished? Members of Parliament had quickly recognized their importance in the overall scheme of the Act, and had, as a consequence, insisted on putting into it a procedure for parliamentary scrutiny. Our analysis of the half-dozen or so areas to be fleshed out by regulation indicates that, except for two important provisions, the Act is self-executing; that is, even without the greater precision regulations would bring, the language of the Act is sufficiently clear to render it enforceable. The key requirement, for example, of "significant demand" before service in both languages is to be made available is to be defined by regulation. While awaiting such a regulation, the existing administrative definitions and territorial designations of the Treasury Board will be binding on federal departments. A court would not be bound by them, however, but a judge, in our view, would not be unduly troubled by having to decide, on the basis of demographic statistics and evidence of public contacts, whether demand for a given service in the minority language was "significant" to the point of making service mandatory.

The two exceptions to the Act being fully enforceable in the absence of regulations have both to do with service to the public. One involves the important new constitutional test of nature of the office — a more stringent test than "significant demand" as it does not involve numbers — and the other concerns services made available to the travelling public by private persons or organizations on a contractual basis, at or in the offices or facilities of federal institutions. Because of the way the obligations are phrased in the Act, it is impossible to know when or where, or in what circumstances, the obligations to provide services in both languages apply, in the absence of detailed regulations.

The Official Languages Branch of the Treasury Board, whose responsibility it is to draft regulations under the Act, is concentrating its efforts on the regulations needed to spell out service to the public obligations and particularly on those mentioned above without which the law is not fully enforceable.

On a second order of priority, we understand, are regulations for detailing the circumstances and conditions under which the rights enjoyed by public servants will be exercised. These have to do with the government's obligation to provide work environments where public servants can function adequately in their own language and for ensuring that the work force equitably reflects the presence of both official language communities.

As for timing, it seems that once again patience will be the order of the day. The federal election in November may have slowed the process somewhat and there is the political and legal requirement to consult, in the first instance with members of the English and French language minorities but also with federal institutions which will have to live with the regulations.

The pre-publication scheme for parliamentary scrutiny will also add several months to the process. The requirement that the responsible minister lay a proposed regulation before the House of Commons 30 sitting days before it is published in the *Canada Gazette*, and that 30 sitting days must then elapse before it becomes law, means that much more than 60 calendar days are in play. We would not want to see these statutory procedures serve as a pretext for undue delay by the Treasury Board. We know that drafting regulations takes time and so do consultations. On the other hand, the experience of the last 20 years is there to draw on and we urge our confrères at the Board to put pen to paper as soon as possible. We would hope to see the first regulations tabled in the House as early as the end of 1989.

Clearly we want all of the Act to be fully in force as soon as possible. We are equally concerned that these fillings in of the interstices of the law be as generous and far-reaching as the spirit of the Act itself. It is no use having a sensible and large-spirited sourcebook only to follow it up with a lot of mean-spirited commentary that tends to smother the original idea. We will be vigilant in seeing that this does not occur, but it is not unthinkable that some federal institutions would be happy to see a very narrowly cast regulatory regime. The Act provides the Commissioner with the specific authority to initiate a review of any regulations (or directions) made under the Act and to report thereon to Parliament. Given the importance of regulations in the new legislative scheme, we suspect we will be exercising that authority on a regular basis.

In summary, we think Canadians, their federal government, the associations representing minority groups and this Office have a new legislative blueprint that may not be perfect but is an eminently worthy and workable successor to the

former one. Our own mandate has been enlarged in the Act, the classical ombudsman role being joined by the additional tasks of monitoring the government's promotional efforts and acting as a party-litigant in Federal Court proceedings. The promotional role is really only a recognition of the status quo since every Commissioner since the beginning has realized that the "advancement of English and French in Canadian society" goes hand in hand with the job of resolving complaints from the public.

The jurisdiction in Part X of the Act to bring recalcitrant federal institutions before the Federal Court is new, although not without precedent, and we intend to use it sparingly. In the ombudsman spirit, we see ourselves essentially as mediators, honest brokers, whose strengths are speed and informality. We have no wish to overly legalize our procedures in the expectation that every small dispute will end in court. That would be the death of our Office and its effectiveness. The court remedy is there as a recourse of last resort and while we would like never to have to invoke it, we will not hesitate to do so in appropriate cases. We remain committed, however, to the spirit and practise of conciliation in our task of breathing life into the great principles of the Act, and we hope all our federal colleagues will carry on in like spirit.

The 1988 Act should serve for some time to come as an effective instrument for greater justice and equality in the linguistic life of our country. Language rights having been recognized by our highest court as a well-known member of the family of human rights, the Act's purpose in buttressing these fundamental values should be evident. At the same time, the Act should serve to strengthen the Canadian identity and further enhance the partnership between our two great language communities.

3. Language Rights: The Living Tree

This chapter examines language rights decisions by the Supreme Court of Canada and other rulings of broad interest by lower courts. Our review includes a look at certain provincial and territorial statutes of a linguistic nature. Part IV of this Report also discusses court decisions relating to the minorities.

We begin with a short analysis of the Mercure decision by the Supreme Court of Canada on the status of French in Saskatchewan and, by extension, in Alberta, and the reactions by the legislatures of those two provinces. We then examine the Court's rulings in a number of Quebec cases and touch on its 1988 decision on Section 23 of the Canadian Charter of Rights and Freedoms, dealing with minority language education rights. Lastly, we take a look at new language legislation adopted by the Yukon.

In 1988 the Supreme Court of Canada rendered a number of major decisions on the official languages and language rights. Judging by the many cases now before the courts, a number of which will ultimately be referred to it, the Court will doubtless continue to deal with such issues for many years to come. It will thus play a determining role in the development of Canada's language regime, even though it has been somewhat reticent thus far in shouldering that responsibility.

Once again this year, the Supreme Court showed courage and wisdom in sketching the outlines of the institutional framework in which Canadian language rights, a well-known species of human rights, will be exercised in Canada. In our system of government, however, responsibility for fostering progress towards equality of status and use of English and French falls to the legislative arm, one example being the adoption of the new federal Official Languages Act last July. With a few strokes of a pen, however, some legislators have dashed more than a hundred years of hopes. Such was the case with the legislatures of Saskatchewan and Alberta following the Mercure decision by the Supreme Court. Quebec, too, chose not to accept portions of the Supreme Court decision concerning individual freedom of expression and prohibition against discrimination on the basis of language, and instead gave priority to the collective rights of the majority.

Observers will search in vain in these strong provincial reactions, so different from one another in various respects, for any progress towards a more secure status for Canada's official languages. We are forced to the conclusion that, although resting on a strong constitutional and legislative foundation, the structure of Canadian language rights has developed certain features that scarcely contribute to the harmony of the whole. A more encouraging sign, however, was provided in 1988 by a number of related court decisions and opinions on the scope of Section 23 of the Canadian Charter concerning minority language education rights, some of which are very important for the future of the country.

Language rights in Saskatchewan and Alberta

As emphasized in our 1986 Report, the question of the status of French in Saskatchewan and Alberta held several surprises in store. At issue were the language rights provided under Section 110 of the former North-West Territories Act. That Section, which was adopted in 1877 and revised in 1880 to take account of changing territorial institutions, was given its final form in 1891. It established that the territorial assembly and courts would be bound by obligations of parliamentary, legislative and judicial bilingualism very similar to those provided under Section 133 of the Constitution Act, 1867, for federal and Quebec institutions, and under Section 23 of the Manitoba Act, 1870, for the institutions of that province.

In 1891, however, Parliament authorized the territorial assembly to set its own rules of parliamentary procedure and to produce and publish its own records and journals through orders and regulations, subject to the Lieutenant-Governor proclaiming the necessary provisions. While this provision was interpreted as federal authorization to stop using French in the territorial assembly, it appears that no resolution to that effect was ever proclaimed. When the provinces of Saskatchewan and Alberta were created in 1905, the statutes in force in the territories were incorporated in the law of each of these provinces through transitional provisions. Parliament later specifically maintained Section 110 in effect with respect to Saskatchewan and Alberta.

One might therefore conclude that, since Parliament granted the Northwest Territories the power to repeal certain provisions of their founding legislation in 1891, the new provinces would have been justified in doing so as of 1905, thus giving rise earlier to the situation that prevails today. However, this theory ignores historical developments since that time, because any such attempt in 1905 might have been disallowed by the Governor General in Council. That is no longer true today since, for all intents and purposes, the federal power of disallowance has fallen into disuse.

In February 1988 the Supreme Court of Canada confirmed in a 6:2 decision that parliamentary, legislative and judicial bilingualism was in fact continued in Saskatchewan. While Section 110 governed procedural matters, it did not serve

merely procedural ends. In the view of the majority of Supreme Court justices, it had embodied procedural rules that gave rights to individuals and could therefore not be "impliedly repealed". The Court found that the courts should continue treating laws giving expression to human rights as being of an almost constitutional nature and that the repeal of such laws requires "clear legislative pronouncement", particularly since in Canada, "language rights are a well-known species of human rights and should be approached accordingly." The Court nevertheless concluded that, unlike the situation resulting from the presence of Section 23 in the Manitoba Act, 1870, Section 110 was not entrenched in the Canadian Constitution after adoption of the Saskatchewan Act in 1905. The two dissenting justices ruled that Section 110 concerned only the territorial assembly and courts of the time and had not been applicable to provincial institutions since the province's creation in 1905.

The Court thus recognized that provincial legislators have the authority to amend such language requirements unilaterally, and indeed even to abrogate the language rights that flow from them. It therefore asked the province to decide quickly whether to introduce institutional bilingualism or to amend its constitution to validate earlier unilingual legislation and adopt a unilingual regime for the future. The Court stated, however, that "such modification must be in the manner and form required by law at the time of such modification, currently by legislation in English and French."

It is impossible to overstate the importance of this decision, which has confirmed the historical legitimacy of the French language in these provinces. It must be understood that the provincial status of English in Quebec and of French in Manitoba and, more recently, in New Brunswick, rests essentially on the same obligations, which, in the latter cases, are constitutionally entrenched.

Bill 2 in Saskatchewan

In April, following the Mercure decision, the Saskatchewan legislature passed bilingual legislation on the use of English and French. The new statute provides that Section 110 of the North-West Territories Act no longer applies to Saskatchewan with respect to matters within the legislative authority of that province. It also validates retroactively all statutes, regulations and ordinances previously passed in English only and provides that all statutes and regulations may henceforth be enacted, printed and published in English only or in English and French. It also vests the Lieutenant-Governor in Council with the regulatory power to designate which of the existing and future statutes drafted in English only will be presented to the legislature for enactment, printing and publication in English and French. In this last instance, all procedural stages are required to take place in both languages. The same will be true of future regulations that might be subject to the rule of bilingualism.

The Act also recognizes the right of every person to use English and French in the debates of the Legislative Assembly, but provides that its rules, procedures, records and journals may be made in English only. The Assembly may

nevertheless decide to draft such documents in English and French, in which case both versions will have equal authority. However, the Act also retroactively validates all similar documents previously published in English only.

Lastly, the new legislation provides that every person shall have the right to use English or French orally and in writing before the six provincial courts, whose rules giving effect to this provision must in turn be printed in both languages. The rules of other courts designated in the Act must also be printed and published in English and French before January 1, 1994. In the case of official documents drafted in both languages, each version will carry equal weight.

Bill 60 in Alberta

In July the Alberta legislature also passed a bilingual Languages Act stipulating that Section 110 of the North-West Territories Act does not apply to Alberta with respect to matters within the legislative authority of the province. The Act validates retroactively all statutes, regulations and ordinances previously passed in English only and provides that statutes and regulations may henceforth be enacted, printed and published in English, although members of the legislature may participate in debates in English or French. The Act also validates standing orders, records and journals previously issued in English only. However, the Assembly may pass resolutions to draft, print and publish such documents in whole or in part in English or French or in both languages. Lastly, any person may use English or French in proceedings before the province's courts, but only orally. One editorialist for the *Calgary Herald* described the Act as making Alberta a unilingual province and throwing only a few scraps to French speakers.

Although both statutes provide confirmation of the right to use French in the provincial legislatures and before certain courts — an improvement over the recent past — they nevertheless signify, by their omissions, a step backward relative to the situation a century ago. Neither guarantees full equality of status of English and French in the legislative process, which, as the Supreme Court observed, "formed part of the basic law of a vast area of this country from the earliest days of the founding of the nation...". In short, the two statutes comply with the letter of the Supreme Court decision, but hardly with its spirit. While Saskatchewan has been more generous towards its Francophone minority than its neighbour, despite the fact that the latter has greater resources and a larger French-speaking minority, the Mercure decision has re-opened imperfectly healed historical wounds. Western Francophones, who originally put down deep roots in a number of areas, cannot forget that language laws have impeded their development ever since.

We nevertheless hope that the framework and subsidiary agreements recently signed between Saskatchewan and Ottawa to promote Canada's linguistic duality in that province will partly compensate for the inadequacies of the province's language legislation and ultimately result in the adoption of additional provisions

more respectful of the historical rights of the Francophone community in Saskatchewan. We also hope that similar agreements may be reached with Alberta, despite the fact that no negotiations had been undertaken with that province by year's end.

Language cases in Quebec

A number of Quebec language cases made headlines in the Canadian press in 1988. Some are discussed in the part of this chapter devoted to minority language education rights. Those discussed below concern Quebec's Charter of the French Language.

The Nancy Forget case

Quebec appealed this case to the Supreme Court for confirmation of the validity of two sections of the Office de la langue française regulation requiring knowledge of the official language to obtain a permit from a professional corporation. The Supreme Court granted the appeal in a 5:3 decision on September 1. It was the first time the Court had confirmed the validity of a contested provision of the Charter of the French Language. The Superior Court had previously rejected the appellant's claim; however, a majority of the Quebec Court of Appeal allowed the appeal, but solely to vacate two provisions of the regulation on the grounds of discrimination and unauthorized subdelegation of power.

In the majority opinion of the Supreme Court, the sections concerned are neither discriminatory nor inconsistent with Section 10 of the Quebec Charter of Human Rights and Freedoms, which prohibits discrimination on the basis of language. The Court held that the distinction drawn in those sections does not nullify or impair the right to full and equal recognition and exercise of a human right or freedom. Rather it serves to demonstrate whether candidates possess one of the qualifications needed to exercise their right to join a professional corporation. Nor are the provisions discriminatory under administrative law since the section on which they are based empowers the Office de la langue française to enact regulations that distinguish between classes of candidates. Lastly, the regulation makes no unauthorized subdelegation of power in providing for examinations to be prepared by an examination committee, because Section 114(d) of the Charter authorizes the Office to establish such committees "for the attainment of its purposes."

Signage, advertising and firm names

These cases concerned the interpretation of freedom of expression provisions in the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms and the prohibition under the Quebec Charter of discrimination on the basis of language. Since freedom of expression and prohibition against discrimination are dealt with in those decisions in relation to the use of languages, we include them in this chapter on language rights.

In December the Supreme Court of Canada handed down two unanimous decisions in the cases of Allan Singer and of La Chaussure Brown's, Valerie Ford,

Fleuriste McKenna, Nettoyeur et Tailleur Masson and Compagnie de fromage nationale. In both decisions it ruled on the constitutionality of provisions of Quebec's Charter of the French Language (Bill 101) requiring that public signs, commercial advertising and firm names used in Quebec be in French only.

The first case, which dealt with the exclusive use of English for commercial signage and firm names, concerned an appeal of a 1982 Quebec Superior Court decision in favour of Bill 101 which was upheld by a majority ruling of the Quebec Court of Appeal in 1986. In the second, the Court ruled on a 1984 Superior Court decision against Bill 101 which was unanimously upheld by the Court of Appeal in 1986. The differing opinions expressed by Quebec courts may be explained in large part by the fact that new provisions regarding freedom of expression under the Canadian and Quebec Charters went into effect in the period between the two decisions.

The Singer case

In the first case, the appellant, Allan Singer, had insisted on continuing to use only English in his business and had challenged the validity of several sections of the chapter of Bill 101 respecting the language of commerce and business requiring the "exclusive use" of French or its "joint use" with another language. While acknowledging that the challenged provisions fall within the jurisdiction of the Quebec National Assembly, the Supreme Court granted the appeal in part, finding that the sections and related provisions of the regulation infringed the freedom of expression guaranteed by the Canadian Charter of Rights and Freedoms and the Quebec Charter of Human Rights and Freedoms. With the exception of Sections 52 (concerning catalogues, brochures, folders and other similar publications) and 57 (concerning application forms for employment, order forms, invoices, receipts and quittances), which require the exclusive use of French but also permit the use of English, the challenged provisions, in the Court's view, cannot be justified under Section 1 of the Canadian Charter as reasonable limits to fundamental freedoms in a free and democratic society. The Court found that a legislative provision requiring the exclusive use of French is justified neither under Section 1 of the Canadian Charter nor under Section 9.1 of the Quebec Charter, but that to require the joint or predominant use of French is justified under both. The Court also ruled that a distinction, exclusion or preference based on one of the prohibited grounds of discrimination, as set out in Section 10 of the Quebec Charter and which include language, is also discriminatory where that provision "has the effect of nullifying or impairing" the right to full and equal recognition and exercise of a human right or freedom. The Court also found, however, that, while it protects the freedom to use the language of one's choice, the freedom of expression provides no guarantee of the right to use one's own language exclusively.

La Chaussure Brown's

In La Chaussure Brown's, the respondents did not challenge the obligation to use French in their businesses, but rather the constitutionality of sections in the same chapter of Bill 101 requiring the exclusive use of French. The Supreme Court of

Canada dismissed the appeal by Quebec and found that the freedom of expression guaranteed under Section 2(b) (fundamental freedoms — freedom of expression) of the Canadian Charter, and under Section 3 (fundamental freedoms — freedom of expression) of the Quebec Charter includes the freedom to express oneself in the language of one's choice. The Court specified that "commercial expression" is expression within the meaning of the provisions of both Charters. Commercial expression, like political expression, is one of the forms of expression deserving of constitutional protection because it serves individual and collective values in a free and democratic society. Moreover, commercial expression "protects listeners as well as speakers" and "plays a significant role in enabling individuals to make informed economic choices", which, in the Court's view, is "an important aspect of individual self-fulfillment and personal autonomy."

The Court nevertheless acknowledged the legality and validity of the "notwithstanding" clause in the 1982 Canadian Charter enabling Quebec to derogate from that Charter and protect Bill 101 as a whole, and of the override provision passed in 1983 to protect the new text of Section 58 of Bill 101. The Court also found, however, that neither provision could have retroactive effect and that both were valid only for a maximum period of five years. Consequently, it found that the 1982 provision ceased to have effect in 1987.

Although Section 58 of Bill 101 (on public signage and commercial advertising) applies to all Quebec citizens, the Supreme Court found that the requirement governing the exclusive use of French affects various classes of persons differently according to their language of use. Francophones are permitted to express themselves in their language while Anglophones and other non-Francophones are prohibited from doing so. The Court therefore concluded that Section 58 of Bill 101 creates a distinction based on language, which is prohibited under Section 10 of the Quebec Charter.

In the Court's view, the documents submitted by the Attorney General of Quebec did not justify the restriction imposed on freedom of expression by the challenged provisions. However, "...requiring the predominant display of the French language, even its marked predominance" would be "proportional" to the goal of promoting and maintaining a French "visage linguistique" in Quebec. Such a requirement would be justified under Section 9.1 of the Quebec Charter (fundamental rights — role of the Act) and of Section 1 of the Canadian Charter (reasonable limits). However, the obligation to use French exclusively was not justified, in the Court's view, although Quebec could require that French be used together with any other language or that it predominate in any commercial display.

In summary, Sections 58 (signage and advertising) and 69 (use of French firm names), as well as Sections 205 to 208 (penalties), of Bill 101 infringe Section 3

(fundamental freedoms) of the Quebec Charter and are not justified under Section 9.1 (exercise of fundamental rights — role of the Act) to the extent that they apply to those two provisions. Section 69 (French firm names) and Sections 205 to 208 (penalties) infringe Section 10 of the Quebec Charter (discrimination of the basis of language) and are also subject to Section 3 (freedom of expression) of the Quebec Charter. Since the relevant override clause became inoperative in 1987, those sections also infringe Section 2(b) (fundamental freedoms — freedom of expression) of the Canadian Charter and are not justified under Section 1 (reasonable limits).

Both decisions made it possible to reconcile, in fact and in law, the rights of the Francophone majority with those of the Anglophone minority without infringing on Quebec's jurisdiction, because they left it to the government to define the terms and conditions of the marked predominance of the French language. But the National Assembly could also avoid complying with the Supreme Court ruling by invoking the override clauses of the Canadian and Quebec Charters, and this was precisely what it decided to do. In late December it adopted Bill 178, amending the Charter of the French Language. The new statute requires that commercial signage and advertising be in French only outside businesses and that the French versions of firm names used in the province be unilingual French. However, it also provides that signage and advertising inside business may be bilingual, although French must predominate, and that this last matter will be governed by regulations to be adopted at a later date. Compared to the two-fold prohibition that existed before the decision, the authorization to use English together with French inside businesses may constitute a step towards freedom of commercial expression in languages other than French. However, Bill 178's prohibition of the use of all other languages except French outside businesses is widely viewed as essentially inconsistent with the letter and spirit of the Supreme Court decision.

Minority language education rights

Section 23 of the Canadian Charter on minority language education rights continued to hold the attention of the courts in a number of provinces, although no definite trend can yet be discerned in the case law. However, the courts did tend to acknowledge the existence of a minority right to control minority schools, but generally held back from prescribing the terms and conditions of such control. Beyond general statements of principle, they preferred to invite provincial legislatures to honour their responsibilities. The Supreme Court of Canada will be called upon in 1989 to rule on this matter in the appeal of the Mahé case concerning French-language education in Edmonton.

In February, a judge of the Saskatchewan Court of Queen's Bench ruled in favour of a pressure group, the Commission des écoles fransaskoises, and 11 other plaintiffs in an action against the provincial government under Section 23

of the Charter. The Court found that one section of the Education Act and one section of its regulations were incompatible with Section 23. Neither the Act nor the regulation provides the minority with the right to manage and govern its own schools. However, the Court did not grant the plaintiffs' other demands that the Education Act itself be declared inconsistent with Section 23, that certain provisions be declared inoperative and that the Court recognize the right of Francophones to a province-wide separate French-language school board.

The Prince Edward Island reference

In March the Supreme Court of Prince Edward Island (Appeal Division) delivered a unanimous opinion that a number of sections of the School Act and Regulations were incompatible with Section 23 of the Charter. However, it did not declare those provisions inoperative. The Court felt that such a finding was not appropriate in a reference case and that it was the Court's role merely to answer the questions raised by the government.

Having ourselves submitted to the Court that certain provisions of the School Act were incompatible with rights granted under Section 23 of the Charter, we are pleased it shared that view, and also found certain other provisions adopted earlier to be incompatible with the Charter. The Court ruled that the sections in question should have set up the means to implement minority language education rights; it was not enough merely not negate their existence, or merely to grant them under certain conditions in order to meet the requirements of Section 23. The Court's conclusions were even more remarkable since the province had presented a well-documented argument to the effect that its legislation was compatible with the Charter.

The Prince Edward Island School Act recognizes the rights of children, whereas the Charter grants rights to parents. The Act assigns responsibility to school boards, whose jurisdiction is limited geographically, to provide instruction in the minority language, whereas the Charter sets no limits other than those imposed by the number of children in the province. The Act provides that such rights must be recognized at the request of a group of parents, whereas the Charter imposes no such restriction. Lastly, the School Act does not provide for the possibility of minority "facilities", as does the Charter where the number of children warrants. The Court also found that authority to set a minimum number of children may be delegated by the legislature to the Lieutenant-Governor in Council, but not to the regional school boards. The current regulations set the minimum number of children required for access to French-language instruction at 25 in three consecutive grades. According to the Court, that figure cannot in the present circumstances be declared incompatible with Section 23. However, the Charter does not, in the Court's view, grant regional school boards the discretionary power to prescribe a minimum number of children. The Court found that the regulations submitted for its examination were incompatible with Section 23 of the Charter in that they provide no mechanism for minority participation in French-language education program development.

French-language education in Cape Breton

Fifty students distributed over nine grades (but in separate classes in an English-language school) do not constitute a number sufficient to justify the provision of minority language instruction out of public funds. That, at least, was the view of a justice of the Supreme Court of Nova Scotia in an August decision concerning a petition by the Comité pour l'éducation en langue française de l'Île du Cap-Breton.

The judge made this ruling despite the fact that a number of English-language schools are already operating in Nova Scotia with a comparable number of students. He stated that, had there been 150 students, he would probably have decided in favour of the plaintiffs for a French-language school managed by Francophones. Much of the decision is given over to an examination of the costs involved in such a move. The judge concluded that the ministers of an elected government are in a better position than a court to determine the costs and public funds to be allocated to this type of project. In his view, judges should refrain from intervening in this type of affair except where authorities demonstrate bad faith, bias or injustice.

His reasoning was apparently based on the principles of judicial review of administrative tribunal decisions whereby superior courts refrain from substituting their own judgment for those of the tribunal unless it exceeded its jurisdiction or ignored the fundamental rules of natural justice. No mention was made of the constitutional nature of rights guaranteed under Section 23 of the Charter; nor did the judge point out the remedial nature of that section or the fact that the standard practice, sanctioned by constitutional jurisprudence, is to interpret constitutional provisions in a broad and generous manner. The Court made no reference to previous decisions on this point such as those by the superior courts of Quebec, Ontario, Alberta, Saskatchewan, Prince Edward Island or, indeed, the Supreme Court of Canada. In his view, immersion classes appear acceptable as an option for Francophones as French-language classes, despite the fact that immersion is available in Sydney starting only in grade 7 and that instruction in French as a second language begins only in grade 4.

This decision was followed in September by another in the same case, in which the judge ruled that the Nova Scotia Education Act was valid and operative despite its incompatibility with Section 23 of the Charter of Rights. His conclusion was based on the fact that the contested provisions of the Act predated the Charter and were not intended at the time of their adoption to deal with the rights provided in Section 23. The incompatibility of these provisions with Section 23 in no way affected their validity because they appeared, in any event, to be complementary to the rights recognized in the Charter, with which they could therefore coexist.

According to the judge, the purpose of the Education Act was not to establish a system whereby the rights recognized in Section 23 could be exercised, but to

authorize the establishment of Acadian schools in regions of the province where there were sufficient numbers of Francophone students to warrant instruction in French. The right of a minority language group to exercise some degree of management and control over its facility could thus be exercised without it being necessary to declare the disputed section of the Act inoperative. There is nothing to prevent a minority language school board whose existence is warranted by the number of students from sharing jurisdiction in a given region with another school board responsible for the majority language facilities. Each school board would then simply have to manage the facilities of its respective clientele.

The plaintiffs have understandably decided to refer both decisions to the Appeal Division of the Nova Scotia Supreme Court.

Application by AFCSO

The Association française des conseils scolaires de l'Ontario (AFCSO) went to court this summer to achieve three goals:

- to have all the sections of Bill 125 concerning Francophone representation on school boards and distribution of school board positions declared inoperative;
- to invalidate the results of the census conducted to establish the lists of Anglophone and Francophone voters;
- to raise the minimum number of Francophone school board members from three to five.

In October a justice of the Supreme Court of Ontario granted one of the AFCSO claims and issued an interlocutory injunction declaring the section of the Act changing the number of Anglophone and Francophone school board members inoperative, thus maintaining the number of Francophone students enrolled as the criterion for the number of school board members. The judge thought it appropriate and fair in the circumstances to preserve this criterion and to issue a temporary order stating that the parts of Bill 125 intended to amend the number of school board members for each language group in the 1988 election had been based on a list that was inaccurate and inadequate for the purposes of the election. A decision as to the rest of the petition was postponed. The ruling was based on both the constitutional nature of Section 23 of the Charter and on the urgent need to rule on the validity of the election planned for November 14.

In early November the Court of Appeal overturned the decision on the ground that the circumstances did not justify an interlocutory injunction. In the Court's view, it was better to wait for the outcome of the hearing on the merits of the case before reaching a decision on this point and on other aspects of the matter. In the meantime, the Court found that, in the public interest, the provisional remedy ordered should be one that caused the least disruption while serving the

interests of all parties. As a result, the school boards involved were ordered to act in accordance with a double majority rule in deciding every matter not within the exclusive jurisdiction of each linguistic element of the school boards that would be elected as planned on November 14, 1988. The entire case will thus have to be reheard by the Court at a later date, probably next year, for a determination on the merits.

The Manitoba reference

In September 1986 the Fédération provinciale des comités de parents francophones challenged the validity of the Public Schools Act before the Manitoba Court of Queen's Bench, but proceedings were suspended following a provincial government decision on January 21, 1987, to refer the matter directly to the Court of Appeal. Accordingly, the government referred the issue to the province's highest court on January 26, 1988, to determine whether its legislation complied with Section 23 of the Charter.

As in the other cases concerning Section 23 in Ontario, Alberta and Prince Edward Island, the Commissioner intervened in the Manitoba case, heard in December 1988, to put forward his views on the scope of Section 23, and to suggest appropriate interpretations of relevance for the various provinces concerned.

After hearing all parties, the Court of Appeal reserved judgment and should render an opinion sometime in 1989.

The Sheftel case

In January the Quebec Superior Court, in the Sheftel case, declared inoperative the regulation pursuant to Chapter VIII of the Charter of the French Language, published in the Quebec *Official Gazette* of January 16, 1985, thus annulling the decision of the respondent, the Commission d'appel sur la langue d'enseignement, in respect of the plaintiff, and ordering the return of the file for adjudication by the Commission.

Under Section 73 of the Charter of the French Language, a child whose father or mother was, on the day of enactment in 1977, domiciled in Quebec and had received elementary instruction in English outside Quebec could attend an English school, provided that such instruction constituted the major part of the elementary instruction received outside Quebec.

Prior to adoption of the regulation, the determination whether the parent received the "major part" of his or her elementary instruction in English was purely numerical. The duration of the elementary education of the parent was measured in years, months, days or hours. If the total time during which the parent was taught in English was greater than the total time during which such parent was taught in all other languages, the child was entitled to the exemption.

However, the regulation narrowed the exemption by shifting the emphasis of the law from the language in which the parents received the major part of their

elementary education to all other languages taught to the parents during any minor part of their elementary education. According to the Court, this limited the rights of children of parents whose studies in a second language may have included the use of that language or the study of a third language.

Since the obvious intention of the legislator was to permit children of parents who received the major part of their education in English to attend English school, the Court ruled that the narrowing of the exemption and the division of persons who received the major part of their education in English into two categories based on the content of a minor part of their elementary education, had exceeded the powers entrusted by the legislature to the executive. In the opinion of the Court, the scope of the exemption had been narrowed, and, in the absence of specific authorization in the Charter, this of itself was deemed sufficient reason to justify quashing the regulation. Moreover, the regulation created two categories of persons who received the major part of their education in English, thus discriminating between these categories without justification in the enabling legislation.

Once it was determined that the regulation in question was invalid, it became an inevitable consequence that the decision of the Commission must be invalid because the plaintiff's elementary education in English had been measured against a more exacting standard than the Charter itself imposes. The Court rejected the argument that in any event the plaintiff's elementary education in English did not meet the criterion of the Charter; that was precisely the question that must be determined by the Commission, applying only the standard of the Charter. The government did not appeal the ruling.

Language cases in 1989

In 1989, in addition to a judgment in the Manitoba reference, the upper courts will deal with a number of appeals of rulings on minority language education rights in various provinces, including Alberta, Nova Scotia and Ontario.

To ensure that Section 23 of the Charter achieves its full effect, Canadians will apparently have to continue invoking it before the courts until its full scope is eventually set out authoritatively by the Supreme Court of Canada. This, we very much hope, will not be long in coming, since the Court is to hear the appeal in the Mahé case in 1989.

The judgments of the appellate courts may well reveal the existence of hitherto unknown constitutional remedies in this country, which may help strike a new balance between the power of the legislature and supervisory role of the the judiciary. In addition to hearing appeals in Ontario and Prince Edward Island regarding the compatibility of provincial education legislation with the provisions of

Section 23, the courts have already ruled major education provisions inoperative in Saskatchewan and Alberta. In certain instances in Ontario, Alberta, Saskatchewan and Prince Edward Island, they have even gone so far as to establish a positive obligation for provincial legislatures to amend such legislation to respect constitutional minority language education rights. With very few exceptions, however, most judges have thus far refused to issue injunctions or other mandatory orders requiring education authorities to take action.

If there is one aspect of the language rights set out in the Charter that must be implemented quickly, concretely and effectively, it is minority language education rights. The separate school systems that have developed in various provinces governed by Section 93 of the Constitution Act, 1867, or by equivalent provisions have, in the past, had a rather beneficial effect in this regard. However, school systems controlled by the Anglophone or Francophone minorities have only truly come into existence in Quebec, New Brunswick and, more recently, Ontario, where such a system is in the developmental stage. Recent changes in the Catholic and Protestant sectors in Quebec have made this statement increasingly problematical with regard to the situation of such schools for Anglophone Catholics and Francophone Protestants. An increasing number of Anglophone children attend English-language Catholic schools controlled by mainly Francophone school boards, while Francophone students attend French-language Protestant schools managed by mostly Anglophone boards.

In the wake of the Blaikie case (Quebec), the Forest case (Manitoba) and the Supreme Court decision on the Manitoba reference in 1985, the courts appear increasingly prepared to invalidate laws or policies where mandatory rules are not observed, at least when constitutional issues are involved. Will this trend one day extend to Section 23 of the Charter on minority language education rights? In our view, the answer to that question depends to a large extent on future decisions by the Supreme Court of Canada.

To date, the remedies handed down by the courts in minority language education rights have, with few exceptions, been tempered by their traditional respect for legislative sovereignty. The matter will doubtless take time. However, as the jurisprudence evolves, we would hope that our courts might draw some inspiration in these cases from American law and consider the usefulness of the structural injunction. This could involve courts endorsing plans or schemes for constitutional compliance and exercising some ongoing supervision over the implementation of remedial schemes. More aggressive remedial action by the courts would no doubt be helpful in more complicated education cases. Counsel for minority language plaintiffs, however, must be imaginative in encouraging courts to consider such remedies.

All the provincial legislatures are free to act without awaiting the final outcome of these court challenges which, in many cases, is very slow in coming. In a

related area, a major issue, the language of proceedings in federal courts and in criminal law matters, moved closer to resolution this year following a number of decisions in the Lefebvre and Paquette (Alberta), Mercure and Tremblay (Saskatchewan), Robin (Manitoba), MacDonald (Quebec), St-Jean (Yukon) and SAANB (New Brunswick) cases.

Some observers have even discerned a new trend in which the courts will no longer be content to declare unconstitutional statutes invalid, but will strive to attribute direct, indeed even political, effects to constitutional provisions. In the federal sphere, the new Official Languages Act has corrected certain weaknesses in current rules governing the language used before federal courts and in criminal proceedings without making it necessary to go through new court challenges. A similar outcome should perhaps be contemplated for Section 23 of the Charter on minority language education rights. We certainly hope so. Time is running out for some of our official language minorities.

Court decisions in the various provinces have thus far raised a number of questions about the real nature and scope of Section 23. They reveal a genuine need for an interpretation that takes full account of the specific nature of this section. As underscored by the Supreme Court of Canada in Quebec Association of Protestant School Boards *et al* in 1984, Section 23 is a unique set of constitutional provisions quite peculiar to Canada in which Parliament clearly deems some and perhaps all the language regimes in effect at the time inadequate and attempts to remedy their perceived defects through uniform corrective measures.

We have every reason to hope that the Supreme Court, which has again been called upon to decide the matter, will provide clear and precise remedies based on the broad objectives it set itself in the above decision on full recognition of minority language education rights.

If it appears, following recent experience, that the Supreme Court in its wisdom is unable to render a decision to this effect, based on the existing text of Section 23, we believe the competent authorities should immediately take appropriate steps to amend the section to clarify its objective and the terms of its application.

The Attorney General of Quebec has withdrawn from many of the actions undertaken in Quebec since the start of the 1980s following the Quebec government's decision not to enact legislation adopted under the previous administration on primary and secondary education. That legislation had been designed to transform the separate school regime into a system based on language.

The decision had the same effect on a number of litigants, who decided not to go ahead with cases under Section 93 of the Constitution Act, 1867, to challenge the provincial government's authority to impose a curriculum on the Protestant school boards. Such was also the fate of various challenges to different elements

of the Charter of the French Language. In most instances, potential plaintiffs appear instead to be awaiting decisions on related points of law in other cases such as Fédération des commissions scolaires protestantes du Québec, which has already been referred to the Supreme Court of Canada.

With these proceedings in the offing, 1989 will provide ample clarification of the scope of constitutional official language provisions and of language rights in a number of provinces.

Yukon language legislation

While Bill C-72 was being examined by a House of Commons committee, the Yukon Legislative Assembly passed language legislation in May which accepts the fact that English and French are the official languages of Canada and states that the statute constitutes an important step forward in the implementation of equality of status of those languages in the territory.

The legislation thus acknowledges the status of French and provides for services in that language in the Yukon. It also underscores the importance of native languages and states the intention of territorial authorities to take appropriate steps to preserve, develop and promote them. Those provisions went into effect when the legislation was enacted. Except where notice is given to the contrary, the remaining provisions will become effective December 31, 1992, or at an earlier date to be determined by the territorial executive.

Like Section 20 of the Charter, the statute provides that territorial services will be provided in English and French where there is "significant demand" or where "the nature of the office" so dictates. It also states that citizens have the right to use English, French or one of the native languages of the Yukon in the debates and proceedings of the Legislative Assembly and that future territorial statutes and regulations will be printed in English and French as of December 31, 1990. Existing instruments are to be printed in both languages starting on a date to be determined before December 31, 1994. Once the Act is passed in both official languages, its two versions will have equal authority. The legislation also provides that every citizen may use English or French before the courts established by the territorial assembly.

The Territorial Commissioner in Council may also pass regulations regarding the provision of services in native languages, use of English and French before the courts, translation of debates and proceedings of the Legislative Assembly, or as he may deem necessary for implementation of the Act.

Following the example of the Northwest Territories, the Yukon may unilaterally recognize additional rights in respect of English, French and native languages and provide for services in those languages. However, the two territories may

amend or abrogate their legislation concerning languages only if the federal Parliament consents.

Court challenges program

The Official Languages Committee of the Canadian Council on Social Development continued to provide financial assistance this year to interested individuals or parties under the Court Challenges Program. Assistance is intended in particular for those instituting proceedings under a constitutional provision concerning official languages, minority language education rights or equality rights in criminal cases. Funds were also allocated to finance the preliminary legal research that must be done before such action can be taken. As a result, plaintiffs received financial assistance to challenge legislative provisions on bilingualism and the language used in provincial services in New Brunswick under Subsection 20(2) of the Charter. Lastly, assistance was also provided for technical research on more theoretical questions.

4. The National Capital Region...Revisited

Some 20 years ago, the Royal Commission on Bilingualism and Biculturalism emphasized the importance of the National Capital as a potential symbol of Canadian duality and made 17 recommendations for language reform in the Ottawa-Hull area. The recommendations dealt with the languages of federal, provincial and municipal government services, the courts, schools, transportation and broadcasting.

Much has been accomplished since that time. The 1969 Official Languages Act identified the NCR as a bilingual region for purposes of language of service from federal institutions. This Act was followed in 1973 by a Parliamentary Resolution with prescriptions for language of work and equitable participation of the English- and French-speaking employees in the Public Service in the NCR. Treasury Board issued detailed directives on official languages and almost all federal institutions adopted language policies. A generation of public servants in Ottawa-Hull made serious efforts to achieve reform in the Public Service. Progress was such that Maxwell Yalden, the second Commissioner of Official Languages, could say in 1983: "Anyone who spent much time in our capital in the mid-60s would agree that the linguistic face of the federal administration has been transformed...".

Demography

The federal government employs almost 70,000 public servants in 150 departments and agencies in Ottawa-Hull; 63% are Anglophone and 37% Francophone. This language mix largely reflects the linguistic demography of the region, which is composed of portions of eastern Ontario and western Quebec. The NCR has 819,000 residents, 462,000 of whom (56.4%) claim English as their mother tongue, 287,000 (35%) French, and 70,000 (8.5%) other languages. In this sense, too, the NCR is a linguistic microcosm of Canadian society as a whole.

And, like the country as a whole, the Region has official language minorities. The 56,000 Francophones of Ottawa make up one-fifth of the city's overall population; in Hull, 5,000 Anglophones are approximately one-twelfth of the total. On the Ontario side of the Ottawa River, the 113,000 Francophones represent

Table I.3

Francophones in Ontario municipalities of the NCR 1986 (by mother tongue)

Municipality	Francophone Population	%	Total Population
Ottawa	56,058	18.6	300,763
Gloucester	25,895	28.8	89,810
Vanier	10,916	59.2	18,426
Cumberland*	10,090	37.4	26,999
Nepean	6,293	6.6	95,490
Kanata	1,678	6.1	27,519
Osgoode*	817	7.3	11,197
Goulbourn	530	4.3	12,303
West Carleton*	505	4.3	11,828
Rideau	375	3.7	10,271
Rockliffe	262	12.9	2,033
Total	**113,419**	**18.7**	**606,639**

* Part of this municipality is not within the NCR.

Source: National Capital Commission.

Table I.4

Anglophones in Quebec municipalities of the NCR 1986 (by mother tongue)

Municipality	Anglophone Population	%	Total Population
Aylmer	9,817	33.9	28,976
Gatineau	6,935	8.5	81,244
Hull	4,902	8.3	58,722
West Hull	2,014	51.5	3,908
Pontiac	1,942	49.1	3,955
La Pêche*	1,760	32.7	5,379
Buckingham	1,482	16.8	8,820
Val-des-Monts*	674	15.5	4,353
L'Ange-gardien*	467	22.0	2,121
Masson*	289	6.0	4,842
Notre-Dame-de-la-Salette*	35	5.6	624
Total	**30,317**	**14.9**	**202,944**

* Part of this municipality is not within the NCR.

Source: National Capital Commission.

19% of all the inhabitants; on the Quebec side, the 30,000 Anglophones constitute about 15% of the population. Tables I.3 and I.4 show the locations of the official language minorities in the NCR and their numbers in relation to the larger communities. In some municipalities, the official language minority groups actually form a local majority; for instance, Francophones outnumber Anglophones in Vanier and there are more Anglophones than Francophones in West Hull. As might be expected, some towns on the Ontario side are almost completely Anglophone, while in Quebec some are very largely Francophone.

Recent progress

In the 1988 Official Languages Act, the National Capital Region is singled out for special attention both in the Preamble and in the sections dealing with language of service and language of work. The Preamble states that "the Government of Canada is committed to enhancing the bilingual character of the National Capital Region" and that the business community, labour organizations and voluntary organizations are encouraged to foster the recognition and use of English and French. The Department of the Secretary of State is responsible for promoting a co-ordinated approach to implementation of this commitment. Because of this emphasis in the Act, we believe it is timely to review the language scene in the National Capital Region.

In examining this question in our 1984 Report, we noted progress at the federal, provincial and municipal levels. We also formulated a recommendation that all interested parties join in an action plan to develop a National Capital Region that truly reflects Canada's linguistic duality. While this has not been done, there has been progress. Federal institutions have by and large done their part with regard to language of service. As we observed last year, "the quantity and quality of bilingual services from federal institutions are generally satisfactory in the National Capital Region." Yet it would be too early to proclaim victory. In 1988 we received 526 complaints from the NCR, relating mostly to language of service and representing 24% of all complaints received. In addition, imbalances persist in the participation of the two language communities in federal institutions in the NCR, and there are continuing difficulties relating to the status of English and French as languages of work. Last year we made six recommendations for corrective action in this regard.

In the Ontario part of the NCR the implementation of Ontario's French Language Services Act has increased access for Francophones to services in French. Most government offices offer some services in French and Bernard Grandmaître, the minister responsible for the legislation, has said that plans are in place to provide more complete service by November 1989. Provincial courts in Ottawa-Carleton can now generally accommodate Francophones in French. A Francophone school board, responsible for both public and separate French schools, was established in Ottawa-Carleton this year. Ontario took another major step forward when the Ontario Colleges and Universities Minister, Lyn McLeod, announced plans to establish the first Francophone college in the

Ottawa area by 1990. At the municipal level, the City of Ottawa has shown leadership in improving services in French with a comprehensive official languages policy. The City of Vanier and some other municipalities also have developed programs to provide services in both languages. Unfortunately, commercial signage in the Ontario part of the NCR is only spottily bilingual.

There has been progress for the Anglophone minority in west Quebec as well since we reported on the situation in 1984. At that time there was already a comprehensive system of elementary and high schools for Anglophones, but the English post-secondary sector consisted of no more than an English-language section of the Francophone Collège de l'Outaouais. In 1988 Education Minister Claude Ryan established Heritage College as an autonomous English-language college, completing the Outaouais area English education system. The judicial system is generally bilingual, as required by the 1867 Constitution Act. Action has been taken to improve English-language health and social services following adoption of Bill 142 by the Quebec National Assembly. In particular, the provincial government and the district health council have developed plans defining requirements for offering services to the Anglophone population. At most provincial and municipal government offices, the public is usually greeted in French but services are provided in English on request. That said, provincial and municipal forms and publications are not always readily available in English.

Survey results

Our Office commissioned a researcher from the University of Ottawa to conduct a study of public and private sector services in the NCR. This research was based on a mailed questionnaire, with some follow-up telephone interviews, sent to 100 public and private sector organizations within the NCR. These included municipalities and regional governments, hospitals and social agencies with 12 employees or more, selected provincial government offices, utilities and public transportation companies and, finally, private firms in Ontario with 100 or more employees and in Quebec with 50 employees or more. Federal institutions were excluded. The questionnaire had 13 questions about the language requirements of the organization for new employees and supervisors, language of work and language preferences of clients. In some cases the self-assessed written questionnaire was completed by analysis of policy documents obtained from respondents.

The study found that non-federal public sector agencies on the Ontario side of the Ottawa River work almost exclusively in English, while such agencies in Quebec generally use only French as the language of internal communications. Their performance in serving clients in the second language varies from fair to good. Only one of 13 Ontario municipalities and two of six in Quebec said that the ability to speak the minority official language is "required" of new employees, but bilingualism was generally rated by municipal employers both in Quebec and Ontario as being "desirable" or "very desirable". A similar situation was found among organizations offering health and social services in Ontario or

Quebec. Our researcher concluded that bilingual services are generally available from the public sector, but that there are some "impediments" for minority language clients. For instance, although most major health service institutions on both sides of the Ottawa River provide services in the two languages, there are still instances where the minority language client will have difficulties.

In the private sector, the study revealed that in Ontario all but one of the firms surveyed worked in English and many put a low priority on serving the public in French. No fewer than 12 of 28 companies responding to the questionnaire stated that it was "not important" for new employees to be able to speak French. The data suggest that some firms are quite unable to provide service in French, and this it seems is especially true of the growing high-tech sector. It is often assumed by managers of these companies that their Francophone clients are bilingual and can therefore use English in dealings with the firm. Fortunately, there are exceptions. Bell Canada, in co-operation with the Association canadienne-française de l'Ontario, recently demonstrated its continued interest in such matters by conducting a review of its French-language services in Ontario.

Among private companies in Quebec, the study found a high priority attached to bilingualism. Five of the 26 firms responding to the questionnaire said that they required new employees to be able to speak English as well as French, and almost all the others stated that a knowledge of English was either "desirable" or "very desirable". We therefore conclude that most, but not all, Quebec private sector services are available in English, even though external commercial signage, which is required by law to be in French only, and initial reception services, may not be offered in English.

While it is clearly too early for an objective assessment of the impact of Quebec's recent language legislation on the Outaouais region, it may well be that the constraints on commercial services in English will be more apparent than real. Despite the understandable concerns of the minority Anglophone community regarding the French-only requirements for external signs, it is clear from our research that many Quebec private sector managers are very much aware of the needs of their English-speaking clientele and of the tough competition between Ottawa and Hull firms. They appear to value their Anglophone patrons and to be taking steps to ensure that service is provided in English. We may therefore anticipate an increase in the number of indoor English-language signs, as permitted by Quebec's Bill 178.

The language of business and the business of language

The language situation of national voluntary associations in the NCR, although in our view still inadequate given their national calling, seems to be improving rapidly. This was revealed in a study released by the Canadian Society of Association Executives (CSAE) at the two-day Colloquium on the Language of Business and the Business of Language held in the NCR and co-sponsored by

the CSAE, the Secretary of State and our Office. It brought together 70 representatives of all levels of government, business, unions and voluntary associations to study their common problems of operating in two languages. The CSAE study showed that nine of the 23 associations included in the study strive "to ensure, within all reasonable limits, that there is no significant difference in the quality and range of services available to both language groups." A further 11 associations have a policy statement acknowledging language duality and attempt "to ensure that, in at least those departments providing services to members, there is a capability of communicating in both languages." However, another three associations had difficulty offering services in French to their members.

In drawing attention at the colloquium to such continuing weaknesses in the private and voluntary sector, the Commissioner observed that "People in the private sector in Canada can no longer afford to be merely passive or reactive in language matters. If they want to maintain and increase their share of the market, they have to take the initiative." He went on to suggest that the interplay of languages within an organization is basically a management problem like any other. With initiative and imagination, it ought to be possible for private and voluntary sector managers in the NCR to offer services in both languages by harnessing the linguistic skills of a labour force composed in part of members of the official language minority communities and young people graduating from second-language immersion programs.

The outlook for improved bilingual services is supported by a remarkable increase in second-language skills. According to a recent Statistics Canada study, the percentage of NCR residents who claim to speak both official languages rose dramatically from 32.4% in 1971 to 42.4% in 1986. The trend towards increased bilingualism was observed among young and old, Ontarians and Quebecers, Anglophones and Francophones. But not everything is nicely symmetrical. While Francophones are far more likely than Anglophones to be bilingual (70% compared to 23%), there has been a significant increase in the percentage of bilingual Anglophones (almost 10 points between 1971 and 1981). The NCR communities in Quebec have proportionately more bilinguals than those in Ontario: 57% of Quebec residents are bilingual as compared to 35% in Ontario. On the other hand, as expected, the total number of persons speaking both languages remains much greater in Ontario (190,000 compared to 96,000). The Franco-Ontarian community in the NCR is very bilingual, with 86% of its members speaking the second language, but over half of Quebec Anglophones are also bilingual. Because of the rapid changes in second-language skill patterns in recent years, more studies are needed in this area.*

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* With the exception of the overall percentage of bilinguals (42.4%), which is drawn from 1986 census reports, these data are based on the 1981 census.

The National Capital Commission

The National Capital Commission received a new mandate in 1988. The recently adopted amendments to the National Capital Act enjoin the Commission to "organize, sponsor or promote such public activities and events in the National Capital Region as will enrich the cultural and social fabric of Canada, taking into account the federal character of Canada, the equality of status of the official languages of Canada and the heritage of the people of Canada."

The NCC itself has long been a good performer in language matters. It offers a high standard of service to the public in English and French and maintains a bilingual image, but problems do exist with respect to language of work and equitable participation within the organization. The Commission hosts such very bilingual annual festivals as Winterlude and the Canada Day celebrations. In addition, it administers an External Bilingualism Program with an annual budget of $300,000 — not always fully utilized — devoted to the promotion of official languages outside the government sector but within the NCR. In this way the Commission has, over the years, helped many private sector non-profit organizations to offer service in English and French.

In light of the NCC's mandate and the emphasis in the 1988 Official Languages Act on co-operation between the public and private sectors in promoting the official languages, we believe that further efforts of this type must be made for language reform and promotion in the NCR. It is time that our 1984 suggestion for concerted action by the different parties was taken seriously.

The colloquium on business and language mentioned was an important step forward and showed immense potential, but it was only one initiative of short duration. This work must continue. Provincial priorities or legislation may circumscribe initiatives in some areas, but there also appears to be ample scope for increased co-operation in many spheres, particularly where service to the public is concerned. As a microcosm of Canada, and indeed in many ways its showpiece, the National Capital Region is critical to the success of language reform.

We recommend that:

- **the Department of the Secretary of State and the National Capital Commission develop a mechanism to ensure greater co-operation among authorities and interested parties to strengthen the bilingual character of the National Capital Region;**

- **the Department of the Secretary of State consider developing framework agreements with the provinces of Ontario and Quebec to foster, in accordance with the Official Languages Act, 1988, the full recognition of linguistic duality and the recognition and use of both English and French in the National Capital Region.**

PART II

How Federal Institutions Play the Game: Analysis

1. Policies and Programs: Wanted! A New Start

This chapter reviews the policies and programs of Treasury Board, the Public Service Commission and the Secretary of State's Department and discusses the mechanisms set in place to enable Government to honour its linguistic obligations.

In addition to setting out Canada's language policy and the commitments of the federal government, the 1988 Official Languages Act confirms and clarifies the linguistic responsibilities of federal institutions. It thus resolves the ambiguity and confusion that have considerably undermined program implementation in the past. It is now clear that Treasury Board is henceforth responsible for developing, co-ordinating and monitoring policies and programs on service to the public, language of work and the participation of both official language communities, not only for departments and agencies, but also for Crown corporations, which account for approximately 60% of all federal employees. Although not specifically named, the Public Service Commission is assigned its areas of responsibility in the sections devoted to equitable participation (where it is stated that nothing shall be construed as abrogating or derogating from the merit principle), and in the section which provides that the application of official language requirements to staffing actions must be objectively required. Thus a balance is to be maintained between the need for bilingualism in the Public Service and the career opportunities of its employees. The Secretary of State's Department is assigned responsibility for promoting English and French in Canadian society, co-ordinating the efforts of federal institutions to that end and assisting minorities.

The fact that these roles have been assigned to the central agencies in no way alters the obligations of individual institutions, which are acquiring greater responsibility as they become more decentralized. The very nature of accountability mechanisms is that they constitute a "chain of command" which begins in various responsibility centres and rises through the institutions and central agencies to the Privy Council Office. Although not specifically mentioned in the Act, that Office preserves its role as major policy co-ordinator and adviser.

With these major roles assigned by the Act, future regulations are expected to define secondary roles and provide further details on policy and program implementation. Following is a review of the 1988 performance of the three major players: the Treasury Board Secretariat, the Public Service Commission and the Secretary of State's Department. Table B.1 contains budget information on federal official languages programs.

Central agencies

Treasury Board Secretariat

The debate leading to adoption of Bill C-72 consumed much of the time and effort of the Secretariat, which organized an advisory committee of deputy ministers for that purpose. In September the Secretary of Treasury Board provided all departments and agencies with clarifications on the transitional measures to be put in place, emphasizing that current policies would remain in effect. In the interim, work continues on the development of new regulations. Although the process began in 1987, there appears to be no likelihood that regulations will be adopted in the near future. It is therefore essential that this long waiting period serve as an opportunity to undertake the much-awaited renewal. After all, virtually all the provisions of the new Act have been in effect since September 15, 1988.

In this respect, government initiatives to promote the active offer of bilingual service proved invaluable. Positive steps included distribution of the new symbol identifying bilingual service points and employees, a new edition of the directory of bilingual offices and a new training video for public-contact employees. On the language of work front, Treasury Board Secretariat revised and gave wider distribution to its guide on chairing bilingual meetings. The committee on the use of French in science is expected to complete its work in early 1989 and publish a report, which should be followed shortly thereafter by a policy on the use of English and French in the computer field. To clarify the concept of a "work environment...conducive to the effective use of both official languages", Treasury Board Secretariat proposes to examine factors that promote or prevent the free choice and effective use of both languages in the work place. We trust that this study, which is not the first of its kind, will not delay the introduction of effective measures to safeguard the rights of federal employees, for whom a brochure containing highlights of the new Act was being prepared at year's end.

To continue improving Anglophone participation in the federal Public Service in Quebec, the Secretary of Treasury Board asked the deputy ministers concerned to identify and eliminate the technical factors affecting the situation and to prepare a report on their findings for the Public Service Commission.

The Secretariat also issued a new language training policy, discussed below. In accordance with the Act, Treasury Board established a program to provide

financial assistance to Crown corporations to help them implement the Act's language of work provisions. Some 15 corporations applied for assistance, which should cover 50% of their costs.

The new regime of Increased Ministerial Authority and Accountability was introduced in 1986. At the time of writing, however, only four letters of understanding had been signed between departments and the Treasury Board Secretariat, and 12 are still under negotiation. Treasury Board is far behind schedule, which provided for 14 such letters to be signed by March 31, 1988. The other institutions will simply be required to submit a progress report to the Secretariat. It is urgent, in our view, that Treasury Board speed up the process of negotiating these letters. Furthermore, a preliminary review of the letters signed thus far reveals a number of weaknesses despite distribution of a guide which incorporates most of the provisions of the new Act. We believe that Treasury Board Secretariat should speed up the process of negotiating letters of understanding and ensure that future letters contain specific and measurable objectives of all aspects of the program, as well as schedules, performance indicators and stricter control measures.

Letters of understanding and reports are complemented by audits of a number of institutions. The Secretariat's audits between 1985 and 1988 revealed weaknesses in the framework for managerial accountability in official languages, and our own findings confirm that existing controls are inadequate. Quite recently, the active offer of telephone service at bilingual offices listed in the directory of bilingual offices and the use of the official languages symbol have come under scrutiny. The Secretariat is continuing its efforts to make the internal auditors of departments and agencies more sensitive to official languages issues.

Until regulations are passed, it is essential that, through its own activities, Treasury Board Secretariat maintain the momentum the Act has created in departments and agencies. First, some policies and directives issued in the past — which departments have at times adapted to their own requirements — will have to be reviewed in light of the new legislation. Second, the delegation system should be reviewed, and the resources allocated to departmental official languages units re-evaluated. Lastly, special attention should be given to the central issue of information to the public and to employees. We were pleased to learn that a symposium of departmental official languages directors will be held in early 1989. The Commissioner has done his best to take the message to the country, but his efforts cannot be substituted for those of the employer. In this spirit of information and exchange, we ask the Treasury Board to open and maintain dialogue with the major players on subjects of common concern such as equitable participation, the creation of environments conducive to work in both official languages and significant demand. Consideration should ultimately be given to organizing colloquia on specific topics, where new ideas can be exchanged. In this way, the momentum started by the Act would be maintained

and transformed into concrete measures of benefit to the public and federal employees.

Public Service Commission

Most of the Public Service Commission's areas of jurisdiction — staffing, evaluation and training — are of major importance for official languages program implementation. Section 91 of the 1988 Act will oblige the Commission, as well as Treasury Board and other federal institutions, to reflect on the objective nature of language requirements when staffing positions.

Generally speaking, the Public Service's profile is forged through staffing. As the agency responsible for implementing two fundamental aspects of access to Public Service positions — the merit and equity principles — the Commission must ensure, through recruitment, that the composition of the federal administration reflects Canadian society as faithfully as possible. Given our particular interest in the issue of equitable participation, it is our fervent wish that the Commission examine sectoral imbalances in the regions, employment categories and occupational groups, as well as possibilities for change that could lead to the creation of a fairer, more representative Public Service.

These matters are not without impact on training, responsibility for which also falls to the Public Service Commission. In Canada, occupational imbalances exist between the two language groups. For instance, approximately 15% of employees in meteorology are Francophone, compared to 30% in psychology. However, such cases should not be considered models for the Public Service. Consequently, it is up to the Commission, in co-operation with the organizations most concerned, to establish programs to ensure equitable access to occupations for both official language groups.

Unfortunately, professional training provided by the Public Service Commission is offered more in one language than in the other. Although Francophone enrolment in courses given in French rose 18% this year, 24% more Francophones also registered for English-language courses. Once again, over 30 different courses were given in English only in the first nine months of 1988. Despite the Commission's efforts, it is difficult in these circumstances to describe the situation as equitable.

In the language testing field, the Commission approved abridged versions of reading and writing skills tests. The new tests clearly had no negative effect on the validity of results and will help save considerable time as they are used more and more frequently, particularly to confirm bilingualism bonus recipients.

In general terms, the Act's objectives for the Commission would be better served if the latter showed greater leadership. The role of this central agency should perhaps be conceived as being to direct and orchestrate [illegible]ctivities flowing from its mandate.

Secretary of State's Department

The official languages activities of the Secretary of State's Department fall into two groups: promotional programs for minorities and Canadian society in general, and translation, interpretation and terminology services. The Department's promotional efforts are directed outside the Public Service, and are designed to provide support for the minorities, their associations and cultural activities; to co-ordinate the efforts of other federal agencies in these areas; to increase the awareness of the majority; to provide assistance to minority and second-language education; and to co-operate with the provinces, the private sector and voluntary agencies.

Translation, interpretation and terminology services are mainly intended to help federal departments and agencies operate in both official languages. As a result of growing demand and gradual staff reductions, the Department increasingly contracts translation out to the private sector: 30% of its total volume in 1988-89, compared to 20% in 1986-87. For interpretation services, the proportion has reached 50%. The Department is also strengthening its position as a technical innovator, particularly in the field of specialized translation.

Implementation mechanisms

Language requirements of positions

One of the basic measures taken to implement the first Official Languages Act in the Public Service was the creation in 1973 of three categories of positions: unilingual (English or French), bilingual and "alingual" (so-called "either/or" positions, which may be occupied by unilingual Anglophone or Francophone or bilingual incumbents).

Contrary to the widespread myth that one must be bilingual to obtain a position in federal institutions, there are 136,000 (65.7%) unilingual positions — 122,000 English-essential and 14,000 French-essential — 62,000 (28.6%) bilingual positions, and 11,000 (5.4%) either/or positions. Unilingual Anglophones thus have access to 133,000 positions, unilingual Francophones to 25,000, not to mention a number of bilingual positions available to members of both groups. Only so-called bilingual imperative positions, discussed below, require knowledge of both official languages at the time of appointment.

One of the new features of the 1988 Official Languages Act appears in Section 91, which provides that none of the language of service or language of work obligations set out in the Act authorizes the application of official language requirements to a particular staffing action unless those requirements are objectively required to perform the functions for which the staffing action is undertaken. The Act thus provides clear confirmation that a position may be assigned only the language requirements appropriate to it and that those requirements must be assigned objectively. As is the case for its level and salary, the position's linguistic identification must reflect reality.

In other words — and this should represent no change from current practice — no position may, for example:

- be designated English essential if it should be an either/or or bilingual position;
- be designated bilingual if it should be French essential;
- be designated bilingual imperative without reason;
- be assigned intermediate language requirements instead of superior requirements if it is a bilingual position.

This new section will oblige many managers to pay very careful attention to the language requirements of positions over which they have responsibility, particularly during the staffing process. Although experience shows that speaking skills are often inadequate, we are of the view that the linguistic profiles of some positions are too demanding with regard to writing skills. There are thousands of public servants who do not spend their day preparing reports or drafting letters. The linguistic profiles of their positions should therefore reflect the various types of language skills they need to do their work, and should call for a lower degree of writing skills and stronger reading and speaking skills. Section 91 suggests precisely this type of realistic attitude.

Table II.1

Proficiency level of bilingual positions[1], 1986, 1987, 1988

Required Level	1986	1987	% Change 86-87	1988	% Change 87-88
Elementary (A)	6,464	5,835	-9.7	4,601	-21.1
Intermediate (B)	49,758	48,250	-3.0	46,374	-3.9
Superior (C)	5,633	6,192	+9.9	6,829	+10.3
Other Levels	2,187	2,388	+9.2	2,346	-1.8
TOTAL	**64,042**	**62,665**	**-2.2**	**60,150**	**-4.0**

[1] Speaking skills

Source: Official Languages Information System.

Section 91 should also encourage a re-balancing of skill levels in bilingual positions. As shown in Table II.1, the proportion of positions requiring only elementary language skills continued to fall in 1988, while the percentage of positions calling for superior skills continued to rise. This change in the language requirements of positions appears to correspond more to reality, particularly in light of the need to provide service to the public and to employees.

Turning from bilingual positions to bilingual employees, Table II.2 shows that over 20,500 incumbents of bilingual positions are exempted from language tests and are therefore considered as having proficiency levels greater than "superior". However, approximately 9,500 (15.9%) incumbents of bilingual positions still do not meet the language requirements of their positions. At the same time, 13,000 employees who occupy unilingual positions are bilingual. From these figures, we estimate that the total bilingual capacity of the Public Service is about 66,500 employees (32%). That proportion would be even more satisfactory if the employees in question were deployed in a manner more consistent with requirements.

Table II.2

Proficiency level of bilingual employees, 1988

Proficiency Level	In Bilingual Positions	%	In Unilingual Positions	%	Total	%
Elementary (A)	4,935	9.2	4,411	34.0	9,346	14.1
Intermediate (B)	19,870	37.2	5,463	42.1	25,333	38.1
Superior (C)	8,083	15.1	1,279	9.9	9,362	14.1
Exemption (E)	20,611	38.5	1,813	14.0	22,424	33.7
TOTAL	**53,499**	**100**	**12,966**	**100**	**66,465**	**100**

Source: Official Languages Information System.

Bilingual positions are, of course, unevenly distributed in geographical terms because requirements vary from region to region. As shown in Table II.3, bilingual employees have become somewhat "decentralized" in the past few years from the National Capital Region to the rest of the country. In our view, this is a healthy trend in that it makes it easier to provide service in both languages. However, it will have to go further if better service to a number of minority communities is to be achieved.

How are the two official language groups represented among the total number of bilingual positions? As noted above, there are some 122,000 English-essential and only 14,000 French-essential positions. In these conditions, it is only natural that Francophones occupy more bilingual positions than Anglophones. In overall terms, Anglophones occupy 37.6% of such positions, Francophones 62.4%. As more Anglophones become bilingual, it will be logical and even desirable for their share to increase, something that would presuppose, however, a rise in the percentage of French-essential positions. The distribution of the two groups varies greatly by employment category in proportions that rise and fall with the category scale (Table II.4).

Table II.3

Bilingual positions and incumbents, by region, 1984, 1988

	1984				1988			
	Bilingual Positions		Bilingual Incumbents		Bilingual Positions		Bilingual Incumbents	
Region	**Number**	**%**	**Number**	**%**	**Number**	**%**	**Number**	**%**
Western provinces and Territories	1,223	1.9	1,036	1.9	1,404	2.3	1,127	2.2
Ontario	2,552	4.0	2,156	4.0	2,526	4.2	2,084	4.1
National Capital Region	40,050	63.3	33,617	61.9	37,133	61.8	30,243	59.8
Quebec	15,768	25.0	14,584	26.9	15,354	25.3	13,971	27.6
New Brunswick	2,474	3.9	2,043	3.8	2,477	4.1	2,147	4.3
Other Atlantic provinces	1,054	1.7	800	1.5	1,080	1.8	840	1.7
Outside Canada	42	0.1	30	0.1	176	0.3	170	0.3
TOTAL	**63,163**	**100**	**54,266**	**100**	**60,150**	**100**	**50,582**	**100**

Source: Official Languages Information System.

The hierarchical distribution is similar in 6.9% of French-essential positions (Table II.5). Not surprisingly, 96% of those positions are in Quebec, while 3.7% are located in the National Capital Region, 0.1% in Ontario and 0.2% in New Brunswick.

Imperative staffing

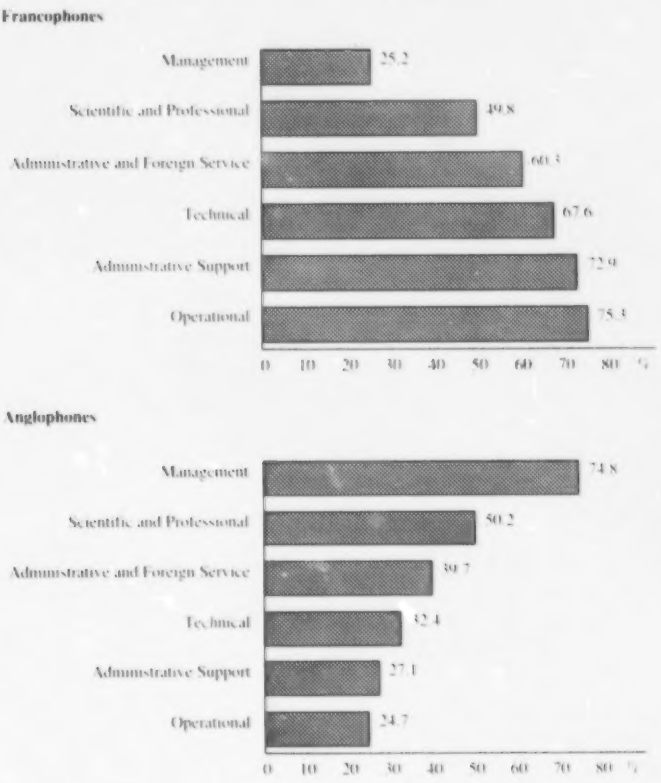
The imperative staffing process, which requires candidates to be bilingual upon appointment to a bilingual position, is regularly the subject of debate, sometimes bitter in tone. Some feel it is only natural that the merit principle be applied to language matters, while others consider it a discriminatory procedure that undermines their opportunities for advancement.

As shown in Table II.6, an increasing number of candidates for bilingual positions staffed either imperatively or non-imperatively are already bilingual upon appointment. At the same time, the percentage of employees required to take language training is declining. The proportion of candidates exempted from the language requirements of their new positions for reasons of age or seniority remains relatively stable.

Even if we consider non-imperative appointments only, an increasing number of candidates clearly meet the language requirements of bilingual positions (70.7% in 1981, compared to 82.8% in 1988). Consequently, the available pool of bilingual candidates appears increasingly able to meet the Public Service's requirements except with respect to support staff.

Table II.4

Anglophone and Francophone representation in bilingual positions



Source: Official Languages Information System.

Consequently, given the 67,000 bilingual employees in the Public Service and the 1,800 bilingual candidates appointed from time to time from the outside, the use of imperative appointments for roughly half of all bilingual positions staffed (17.5% of all Public Service appointments) appears compatible with the merit principle and consistent with the spirit of Section 39 of the Act.

Under Section 39, the government is committed to ensuring that Anglophones and Francophones, without regard to their first language learned, have equal opportunities for employment and advancement in federal institutions. We continue to support the use of some non-imperative staffing actions, a practice that

Table II.5

French-essential positions, by category, 1988

	Number	%
Management	2	0.0
Scientific and Professional	595	4.2
Administrative and Foreign Service	2,095	14.7
Technical	1,176	8.3
Administrative Support	5,365	37.7
Operational	5,005	35.1
TOTAL	**14,238**	**100**

Source: Official Languages Information System.

Table II.6

Percentage of permanent appointments to bilingual positions[1], 1981-88

	1981	1982	1983	1984	1985	1986	1987	1988[2]
Bilingual candidates	75.7	80.1	81.8	83.4	86.1	87.4	90.8	91.6
Candidates requiring language training	21.0	15.3	13.4	12.1	10.4	7.7	5.1	5.3
Candidates excluded for reasons of age or seniority	3.3	4.6	4.8	4.5	3.5	4.9	3.7	3.1

[1] All term appointments to bilingual positions are made on an imperative basis.
[2] January to September.

Source: Public Service Commission

effectively means that every possible opportunity for language training should be given to candidates wishing and able to become bilingual, thus guaranteeing employment and advancement opportunities to unilingual Anglophones and Francophones. This open attitude toward language training is at the very heart of our system, and any cutbacks in this sector would create injustice and undermine the system's balance.

Language training

Policy

A new policy based on the Treasury Board decisions of October 1986 was fortunately revised thoroughly in June 1988 and made public in November. In general terms, it grants departments and agencies under Treasury Board jurisdiction greater responsibility for language training management and the establishment of

work environments conducive to the maintenance and development of acquired language skills, something that comes in addition to the obligation we have claimed should be imposed on former language training students to improve their newly acquired skills. We are pleased to see that these two clauses have been included in language training "contracts".

In addition to some changes in the authorized length of language training, the policy provides for fair division between (a) statutory requirements (staffing, re-identification and so on), (b) corporate needs (courses for senior management, remedial courses), (c) human resources planning requirements and (d) employee aspirations. In the first three cases, training is given during working hours and, in the first two, it is provided by the Public Service Commission at no cost to the departments. Training in response to employee aspirations will normally be taken outside working hours, although the policy encourages managers to afford employees easy access to such training.

As of April 1, 1990, training provided by the private sector to meet statutory requirements and corporate needs will come under departmental responsibility. The same will be true of all other types of language training, whether provided by the Commission or a private firm. Funding of $6 million will be divided among the various agencies concerned to help them cover their costs.

This policy promotes broad access to language training in a manner consistent with the spirit of Section 39 of the Act, under which the government is committed to ensuring that Anglophones and Francophones, without regard to their first language learned, have equal opportunities for employment and advancement in federal institutions.

Since the government is committed under Section 41 of the Act to foster "the full recognition and use of both English and French in Canadian society", we propose that the Public Service Commission study the development of bilingualism among Canadians in relation to the language requirements of the Public Service. More particularly, it would be helpful to examine the impact of the first immersion school graduates on the labour market.

It seems essential to have ongoing control of the quality of education supplied by the private sector and of the accreditation mechanisms of private firms.

Courses

As shown in Table II.7, the number of requests for continuous training rose in 1988. Combined with staff cutbacks, this increase obliged the Commission to refuse 45% of the 2,189 applications made between April and September 1988. Many of those applications had been made by priority candidates (appointees to bilingual positions or those affected by a rise in linguistic profile) for whom delays in language training were a considerable inconvenience. The inconvenience could be even greater, however, for the public they are supposed to serve

in both languages. Late in the year, the Commission estimated that the problem was essentially a temporary one. We wonder, however, whether the resources allocated to language training were not unduly reduced, in which case the problem could become permanent. We urge the Commission to use every means at its disposal to provide departments with essential bilingual resources.

Table II.7

Enrolment	1983	1986	1987	1988
Enrolments in basic continuous training	3,229	1,898	1,452	1,467
Enrolments in other courses	8,978	19,028	18,978	15,287
Total teaching and other staff	744	744	588	548

Projection based on data for the first three quarters.

Source: Public Service Commission

The advanced language training program ended in March 1988. In the six years of its existence, it was offered to 316 participants, 49 of whom obtained the exemption and 144 the superior level.

In 1988 courses designed to improve the proficiency level of Anglophone senior managers in bilingual regions from intermediate to superior in reading and speaking were introduced. The program helped detect a number of employees who no longer had intermediate level skills. The first 35 candidates began their 10-week training period, but, because the courses are spread over several months, they will take their test only in late summer 1989.

Receptive bilingualism

It is difficult to conceive of a work environment conducive to the use of both languages if it does not include a large number of employees who are able at least to understand their second language. This objective is more modest than that of full-scale bilingualism, the idea being simply to have employees understand the meaning of a text or conversation without necessarily being able to express themselves orally or in writing in their second language. We should emphasize that receptive bilingualism is not adequate for supervisory duties or for providing service to the public.

The unilingualism of certain links in the communications chain is one of the greatest systemic barriers to an equitable language of work regime. The introduction of receptive bilingualism in bilingual regions would foster:

- the free circulation of draft reports in either language, thus leaving employees truly free to draft in their preferred official language;

- a halt to the translation of documents that are neither work instruments nor public information documents;

- better use of both languages at meetings and in communications between colleagues.

Accordingly, we repeat our recommendation that an experiment in language training explicitly aimed at efficient but primarily receptive bilingualism be given a systematic trial in certain work environments considered as priority areas following a thorough analysis of the situation. In this regard, we were interested to note that an initial step had been taken in the senior management development course, for which only reading, not writing, is included in the program of instruction.

Bilingualism bonus

The process of confirming the bonus continued in 1988. Of the 19,250 employees tested during the period ending December 31, 1988, 87.5% passed the Second Language Evaluation and 12.5% no longer met the language requirements of their position. The bonus was withdrawn from 930 employees in 1988 and from some 500 in 1987. Phase II, ending March 31, 1989, should affect about 13,900 incumbents of bilingual positions.

Does this mean that the 1,900 employees are occupying positions that need not be bilingual? If they had used their second language adequately at work, they would presumably not have lost their language skills. It is therefore not surprising that a healthy proportion of the 500 employees who received a 200-hour refresher course failed the second-language test a second time.

The bonus confirmation process is, in our view, a salutary exercise. The program nevertheless has some disadvantages, the most obvious perhaps being its cost of about $46 million in 1988. Since the bonus no longer has the incentive effect that justified its creation, we can only repeat our recommendation that Treasury Board review the value of the bilingualism bonus from the standpoints of improving its effectiveness as an incentive and of reducing the overall cost. A third objective could also be served, that set out in Section 91 of the Act, which calls for the use of objective criteria in determining the language requirements of a position at the time the position is staffed.

Translation

At the request of the Secretary of State's Department, an evaluation was conducted of the objectives and performance of the Official Languages and Translation Sector. This evaluation was consistent with a recommendation in our 1987 Report.

Evaluators found that translation customers were generally fairly satisfied with the quality and delivery dates of texts. There was fairly general criticism, however, of the word envelope system. Representatives of departments, the Secretary of State's Department and Treasury Board agree that departments are responsible for controlling demand.

The evaluation makes only passing reference to the need for adequate replacement of translation resources. However, this issue was examined in detail in another 1988 study on ways to expand the pool of freelance translators. That study predicted a shortfall five years from now of between 600 and 1,600 translators, depending on growth of demand. The Secretary of State's Department is examining the conclusions of this report as part of its overall evaluation of translation services, and its recommendations could have an impact on projected needs. The Department will have to ensure that internal and external production capacity corresponds to demand for translation.

Table II.8

Department of the Secretary of State: Volume of translation and human and financial resources, 1987-88, 1988-89

	1987-88	1988-89
Millions of words	244	250
Person-years	1,477	1,401
Millions of dollars	84.4	91

Source: Department of the Secretary of State and Treasury Board Secretariat

Customers were less satisfied, however, with interpretation services. A number of them complained about cancellations and the fact that the Secretary of State's Department was unable to meet 14% of requests for such services. This situation was the result of a general shortage of interpreters. To overcome that shortage, we believe that the Department of the Secretary of State should step up interpreter recruitment and training programs both within and outside the Public Service. The Department could offer technical and financial assistance to help universities that agreed to set up appropriate training programs. Its standing as a leader in the field of interpretation has prepared it for this role, and its mandate under the 1988 Official Languages Act to promote English and French in Canadian society obliges it to follow through.

As to terminology, it is our view that the mandate given the Secretary of State's Department by the 1988 Act should encourage the Department naturally to offer its services more to the Canadian public. Its internationally acknowledged resources and expertise should enable it in particular to promote French in the Public Service and among the general public — without, of course, forgetting its obligations towards the English language.

In the Official Languages and Translation Sector study, evaluators also looked at alternatives to the present system (greater decentralization, contracting-out of all translation work, total or partial self-financing) and, without coming out in favour of one particular option, emphasized that officials must maintain the quality of both product and service and customer accountability for demand, all at a reasonable cost.

We should also note that any change to the current system must have no negative impact on the linguistic obligations of federal institutions. We are convinced that Treasury Board will wish to examine virtually any change made to ensure it complies fully with the requirements of the 1988 Act.

We recommend that:

- **the Treasury Board Secretariat revise all its official languages policy directives without delay to bring them in line with the requirements of the Official Languages Act, 1988;**

- **guidelines on implementation of the Act be prepared for heads of federal institutions;**

- **the Treasury Board Secretariat speed up the negotiation of letters of understanding and ensure that future letters contain, for all aspects of the program, precise and measurable objectives accompanied by firmer deadlines, performance indicators and monitoring measures;**

- **the Public Service Commission study the evolution of bilingual skills among Canadians in terms of the language needs of the Public Service;**

- **the Treasury Board Secretariat or the Public Service Commission, as appropriate, undertake a systematic language training experiment on receptive bilingualism in certain work environments considered as priority areas;**

- **the Treasury Board Secretariat review the bilingualism bonus system with a view to reducing its cost and increasing its value as an incentive;**

- **the Department of the Secretary of State take steps to increase the pool of translators and intensify its efforts to identify and train interpreters, both within and outside the Public Service, to overcome the shortage of specialists in this field;**

- **the Treasury Board Secretariat review the method of allocating translation resources to departments.**

2. Complaints: Vox Populi

This chapter shows how complaints can promote linguistic justice for individuals and advance language reform. Following a brief discussion of the implications of the 1988 Official Languages Act, developments in investigation methodology and some statistical analysis, we present the various categories of complaints received by the Office and end with eight broadly representative case histories from the Atlantic to the Pacific.

The 1988 Official Languages Act

The 1988 Official Languages Act defines the functions of the Commissioner of Official Languages, his duty to investigate, resolve and report on the disposition of complaints and his role as linguistic ombudsman. The legislators were clearly aware of the importance of complaints as an effective mechanism for restoring or protecting the rights of individuals.

Investigations

The Act has implications for our investigations. Section 91 stipulates that objective reasons must exist for official languages requirements to be applied to specific staffing situations. Sections 77 and 78, perhaps the furthest-reaching innovations in the new legislation, provide that in certain circumstances and within specified time limits, a complainant, or with a complainant's consent, the Commissioner, may apply to the Federal Court for a remedy in cases not resolved to the complainant's satisfaction. These three sections among many others help make the complaint investigation a stronger tool than ever for restoring rights or redressing injustices.

The commitment to linguistic justice should take into consideration the principle of administrative fairness. Investigations must be impartially and scrupulously conducted and parties affected by a decision allowed to comment or make further representations before any report is made public. The Commissioner decides that a complaint is founded only after the facts have been verified with the complainant and the institution concerned. Similarly, the rejection of a complaint as unfounded comes only after the complainant has been notified and given ample time to present additional information.

Consultations with other ombudsmen have helped us develop a revised investigation system that provides for interventions of different types and at various

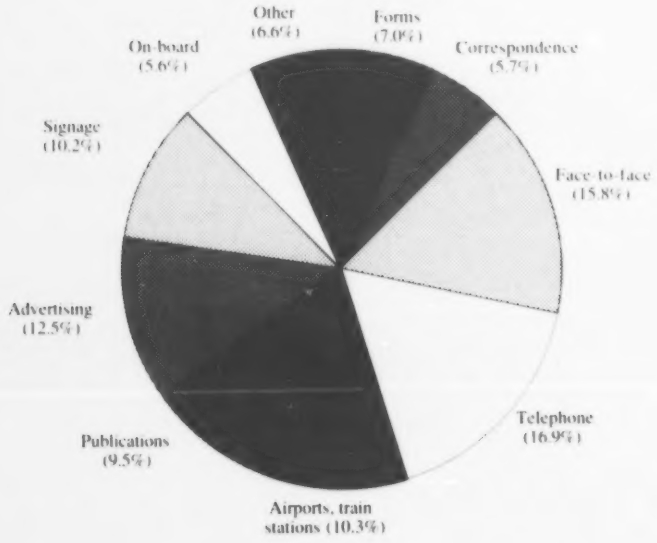
levels according to the gravity or urgency of the situation. Informal inquiries may proceed to formal investigation or to a report with recommendations to the President of the Treasury Board, to the Governor in Council or, ultimately, to Parliament. However, we intend to exhaust the usual ombudsman's tools of persuasion, mediation and negotiation before supporting a complainant's recourse to judicial procedures. In addition, by grouping complaints of a similar nature, whose cause lies in a systemic problem, we try to resolve several cases simultaneously.

Volume and types of complaints

Between 1985 and 1987 the volume of complaints more than doubled, from just over 1,000 to well over 2,000. In 1988 this level continued, a total of 2,189 having been received by year's end. This may be attributed to various causes, including greater public awareness of language rights and publicity surrounding adoption of the 1988 Act. Since proclamation of the Act on September 15, the average number of complaints received each month has risen by 19%. However, because many of them concerned Election Canada's role in the federal election, it will be some time before we know if this is a lasting trend. Of the 2,189 complaints, 1,960 (89.5%) related to problems in French and 229 (10.5%) to English. Service to the public was by far the most frequent topic of complaints, 1,997 (91.2%). Language of work complaints numbered 144 (6.6%) and equitable participation, along with management of the program, 48 (2.2%).

Figure 1

Language of service, 1988: substantiated complaints

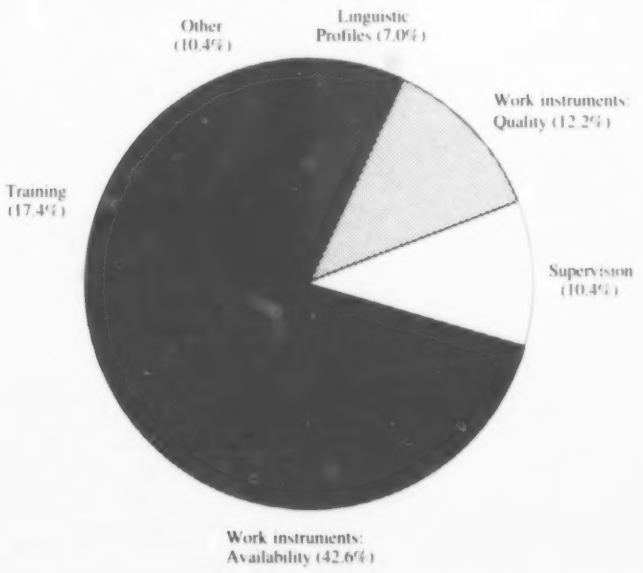


As indicated in Figure 1, the most frequent subjects of complaints in 1988 were telephone and in-person service. Complaints about advertising, visual communications and correspondence fell substantially, while those about forms and publications remained constant.

Language of work complaints fell from 248 in 1987 to 144, a fact partly accounted for by the drop in one organization from 61 to 4. Complaints in this area are frequently among the most difficult to resolve. Many employees are reluctant to complain for fear of possible repercussions, while the need for our investigators to protect complainants' identities often means that only the most general description of allegations can be provided to departmental authorities. Figure 2 contains a breakdown of these complaints.

Figure 2

Language of work, 1988: substantiated complaints



A total of 1,643 complaints were resolved in 1988. Table A.2 shows that, of these, 861 were received in 1987 or earlier. Of 176 complaints or requests for information outside the Commissioner's jurisdiction, 156 were referred to provincial governments, the private sector or elsewhere. We received 537 requests for information on topics ranging from where to learn one of the official languages, statistics on national or worldwide language usage, to the 1988 Act. In addition, our regional offices answered numerous queries that are not included in these statistics.

Section 91, which came into effect only in mid-September, was, nevertheless, the basis of 20 complaints about various aspects of the linguistic designation of positions, levels of language requirements or, in one case, staffing practices prejudicial to one language group. One of these complaints was unfounded, while the others were still under study at year's end.

What complaints reveal

The following cases, involving various departments and Crown corporations, illustrate typical problems from one end of the country to the other. The issues vary in seriousness and difficulty and some, unfortunately, are not success stories. A random survey of 75 complainants at the end of 1987 determined that 85% were satisfied with our services, although only 49% judged that the problem had been remedied. These results compare favourably with those from a similar survey conducted in 1983, but it is clear that long-lasting solutions are often elusive.

French-language postal counter service

Last year we reported on the difficulties of receiving French-language service from the **Canada Post** outlet in Dieppe, New Brunswick. Despite the fact that the community served by this post office was 71% Francophone, Canada Post was unable to guarantee service in French. At the end of 1987 Canada Post indicated that all Dieppe front counter positions were being designated bilingual and language training provided to bring employees up to the required level. Subsequent spot checks, the most recent in November 1988, have determined that four of the five positions are now occupied by qualified bilingual staff. The fifth, unilingual, employee is never on duty alone and service in French is provided in a generally consistent manner.

Legal documents in English only

The potentially weighty effect of failing to respect a client's preferred language of correspondence was demonstrated when a Francophone resident of Caraquet, New Brunswick, who had for some years been doing business with a law firm retained by the **Department of the Secretary of State** to arrange terms of repayment of student loans, received notice, in English only, that a new firm would be handling the case. The complainant responded, in French, with details of previous years' employment and income, and heard no more until another letter, this time bilingual, indicated that 15 days remained in which to arrange repayment terms. Unable to reach the author by telephone, the complainant wrote again in French, providing further details of the family budget and asking that repayment terms be established. Some two weeks later a unilingual English summons to appear in court was served by the sheriff. This time our correspondent did manage to contact the lawyer responsible for the case, only to be told that the letters had been received but not read because they were in French. At this point our Office was contacted.

Our investigation led us to the Canada Student Loans Litigation Unit of the **Department of Justice**. With commendable promptness, the case was taken in

hand, an apology issued to the complainant, the proceedings cancelled, and instructions issued to the law firm to put a French-speaking lawyer on the case and to send a further apology to the complainant. Section 25 of the Act makes clear the duty of each federal institution to ensure that services provided to the public by another person or organization on its behalf can be made available in either official language.

Refusal to issue legal decision in English

An Anglophone Montrealer complained to a Member of Parliament that an Unemployment Insurance Board of Referees had refused to hear a case or issue the decision in English. When the MP's office asked for an explanation, the Board spokesperson indicated that the chairman had simply refused, so a complaint was then lodged with our Office. When we first contacted **Employment and Immigration Canada** in January, we learned that the Department would intervene immediately to ensure that the chairman in question was assigned only to cases to be heard in French. The Department also assured us verbally that clients were entitled to be heard and to receive decisions in the official language of their choice. A letter from the Minister was sent to the MP's office in July, but only in September did the Department acknowledge that the complainant's allegation was indeed founded and that the chairman concerned was now rendering decisions in both languages. It took a further letter and another month to get a copy of the translated version of the original decision — 10 months to obtain for the complainant something that should have been immediately available.

Telephone reception at Treasury Board Secretariat

Many of the complaints received in 1988 from the National Capital Region concerned basic services such as telephone reception. A Francophone complainant told us that on two occasions, one week apart, he was greeted in English only on the telephone and subsequently hung up on. The telephone was in an office of the Staff Relations Branch of **Treasury Board Secretariat**. When informed of the complaint, the manager responsible indicated his general support for the Secretariat's procedures for ensuring bilingual reception and service.

The possibility that the complaint might fall into the category described as "vexatious" had to be investigated, so spot checks were conducted. These confirmed in no uncertain manner that the allegations were justified and, upon our further intervention, a firm directive on bilingual telephone reception was issued.

The introduction of new telephone systems which enable outside calls to go directly to specific desks without first passing through a receptionist has led to many complaints of this nature. Managers should remind staff of their obligation to answer with a bilingual greeting.

Employees in bilingual supervisory positions

Of the 144 complaints received about language of work in 1988, over 50% came from the National Capital Region. The following two cases give an idea of the problems faced by employees wishing to work in their own official language. They also show an interesing contrast in departmental responses to complaints, and point to a systemic problem.

A complainant alleged that a bilingual position at a superior level in the **Department of Public Works** had been occupied on an acting basis for some time by a manager who spoke no French, thereby depriving Francophone employees of their right to be supervised in their language. When informed, the Department admitted the truth of the allegation but explained that the manager was the only person available who possessed the technical qualifications for the position. As a result of our intervention, arrangements were made to have a bilingual officer represent the director in dealings with Francophone employees.

In a similar case, a **Health and Welfare Canada** employee complained that the acting assignment of a unilingual supervisor to a bilingual position had been extended. Not only did this prevent Francophone employees from working in their own language, but it also affected the unit's capacity to serve the public in both languages.

Because of the need to protect the complainant's identity, we were obliged to ask general questions about the Department's policy on acting assignments. The immediate response was that current central agency policy does not require acting assignees to meet the language requirements of the position, and although departmental policy provided for administrative arrangements as well as a six-month limit on such assignments, nothing specific could be done if the complainant could not be identified. The current Personnel Management Manual does indeed contain provisions similar to these, but they are worded in a way that leaves many loopholes. Even if the Department's position was technically correct, an indication of intent to review current acting assignments would have been more encouraging. We believe that the government's position on the permissible duration of acting assignments where the language requirements of the position are not met should be reviewed and the wording of the manual revised so as to present managers with fewer escape clauses.

Special study of Air Canada operations at Toronto Airport

The right of members of the travelling public to obtain service in the language of their choice has received special attention in the Official Languages Act. Toronto Airport is Canada's busiest, and our Office's first special study of its operations was conducted in 1970. As passenger volume has grown, so has the volume of complaints. **Air Canada**, handling 18,000 passengers daily through this airport, has been the object of many of these, but the number of complaints has to some extent been held in check by recent significant improvements in the bilingual capacity of the airline's 600 customer service agents in the airport.

Despite the real progress achieved, the complaints in 1988 were about familiar problems — essentially, announcements in English only and absence of French-language counter service. After grouping the complaints, we conducted an intensive two-day on-the-spot study of the situation in August 1988. The investigation confirmed complainants' allegations and identified several additional problems.

Our report to Air Canada in December 1988 detailed shortcomings in signage, announcements, active offer of service at check-in counters, and bilingual capacity at certain key points of service where a large volume of Francophone passengers is virtually guaranteed. The report raised serious questions about the effectiveness of some of the systems currently in place and suggested that more regular and formal checks should be done to ensure that procedures for improving service are followed in future.

Air traffic controllers

A difficult situation at three airports in Western Canada was satisfactorily resolved at year's end. When it became apparent that only a limited number of openings would occur in Quebec, eight trainee air traffic controllers, all bilingual Francophones, accepted assignments in Winnipeg, Whitehorse and Kamloops, where the only language required was English. All eight either resigned while still undergoing training or failed to obtain **Transport Canada** accreditation at the end of the course. Upon their return to Quebec they told the Association des gens de l'air du Québec that an anti-French atmosphere as well as certain specific acts of discrimination lay behind these failures and resignations.

In response, Transport Canada conducted a departmental investigation. One allegation, that an anti-French poster had been displayed on a notice board in the Whitehorse airport, was easily substantiated; the poster was removed and an apology subsequently issued to the complainant. The Department concluded that the other allegations were not substantiated, although it did suggest that their inadequate mastery of English may have contributed to the trainees' difficulties. When we met with the complainants, it became apparent that they all wished to resume their training in air traffic control, in Quebec, and we suggested to the Department that this might be a satisfactory solution. As a result, four of them are now taking training in Quebec and the Department has promised that the remaining four will be reconsidered for air traffic control trainee positions within two years.

Customs services at Vancouver in English only

It is particularly serious when service cannot be obtained from a customs officer or any other official with coercive authority. A Francophone Canadian returning from a visit to San Francisco re-entered Canada at Vancouver. His anticipated few minutes of customs declarations and inspections became a harrowing 45-minute search punctuated by unwarranted accusations of lying and smuggling, conducted exclusively in English.

In addition to asking **Revenue Canada (Customs and Excise)**, for an explanation of the specific circumstances, we also requested statistics on the linguistic capacity of the Customs Office at the Vancouver Airport and forwarded the details of the complainant's allegations.

Subsequent investigation revealed that a letter of apology signed by the Minister indicated that steps had been taken to ensure that incidents of this kind would not

recur. While both we and the complainant were satisfied with this response, we determined that the number of bilingual staff was insufficient to guarantee bilingual service at all times. Negotiations to increase the bilingual complement at Vancouver Airport are continuing.

3. Service to the Public: Active Offer...At Last!

As seen in Part I, Chapter 2, the new Official Languages Act confirms Canadians' right to communicate with and obtain services from the headquarters and offices of federal institutions in their preferred official language where there is significant demand for such services or where the nature of the office justifies their delivery. The Act also provides that services offered on behalf of federal institutions by third parties be in both languages, as they would have to be if provided by the institutions themselves. It also sets out the duty of federal institutions that have regulatory authority with respect to the health, safety or security of members of the public to use such authority to promote linguistic equality wherever reasonable in the circumstances. The new Act also contains a section on the active offer of service, which requires institutions to provide signs, notices and other information to make it known that services are available in both official languages. The full range of certain provisions will have to be defined by regulation. Consequently, we are eagerly waiting for the Governor in Council to issue regulations to clarify the scope of the Act and guarantee, within reasonable limits, the rights of the Canadian public. If fully implemented, those provisions should significantly improve the bilingual capability of federal institutions, even for official language minorities requesting services in regions where demand is not deemed significant. In the meantime, however, federal institutions should not view the temporary absence of such regulations as an excuse to adopt a wait-and-see attitude, particularly since existing directives not incompatible with the provisions of the Act remain in effect.

Overview of 1988

In this section we offer an overview based on complaints received and the audits and follow-ups conducted this year. The chapter on the complaints handled in 1988 also serves as a backdrop to the following profile of major achievements, and some inexcusable weaknesses, which, for some years now, have undermined the equality of status of both languages with respect to service to the public.

Progress was made this year in one of the crucial aspects of service to the public, the active offer of service in both official languages, even though much remains

to be done before the government's sound initiatives yield concrete results for the citizens of Moncton, Toronto and elsewhere. Other aspects, however, remain more or less unchanged from last year. In our view, there are several major reasons for this state of affairs. The public has not been adequately informed of the provisions of the Act, and problems persist in the deployment of bilingual personnel. In addition, telephone reception in both official languages is irregular, even in the National Capital Region, and managers and employees required to offer service to the public are not held sufficiently accountable for providing services in both languages. Readers will also be struck by the conclusions of special studies conducted this year, which revealed the problems government is experiencing in enhancing Canada's bilingual image. Those problems include the lamentable state of French-language services in national parks in Western Canada such as Banff and the inadequate follow-up given our 1987 study on the absence of bilingual services to the official language minority of Prince Edward Island. Lastly, the many complaints filed with this Office concerning the 1988 federal election afforded us the opportunity to examine the linguistic aspects of the electoral process in Canada.

Active offer

We have said for many years now that the active offer principle is an essential condition of adequate bilingual service. We cannot overemphasize the importance of this new provision. Experience has shown that where service is not identified as bilingual — that is to say, where it is not visible, audible and permanent — the clientele is inevitably encouraged to use the language of the majority. According to our correspondents, more than half of all federal institutions are perceived as intimidating, and their failure to offer bilingual services actively discourages language minorities from asserting their rights. Many hesitate to demand service in their language when unsure it is available.

In this respect, our many criticisms from past years have not fallen on deaf ears, and the government may be proud of its achievements in 1988. It incorporated in the 1988 Act the central concept of active offer of service and took concrete and generally effective measures, which, although they have yet to achieve any dramatic effect, should nevertheless produce results in 1989 and 1990. First of all, the new symbol adopted and distributed throughout government to indicate that bilingual service is available will definitely encourage members of the public to request it. Second, Treasury Board published a new edition of regional directories of federal offices across Canada capable of providing service in both languages. Minority language associations received copies of the directories, and the public was informed of their availability through the press. We were also pleased to learn at year's end that Treasury Board had made a language of service training kit available to government organizations. Its purpose was to make employees aware of the importance of their role in serving the public by providing them with useful clientele contact techniques and encouraging them to serve the public in both languages.

Other institutions also resolved to attack the problem this year. Agriculture Canada took the excellent initiative of introducing a training course on the active offer of bilingual service. At the time of writing, some 50 employees in the National Capital Region had already taken the course, and departmental officials were preparing to offer it to others. The Bank of Canada is developing a similar course.

Telephone tests

Once again this year we conducted a series of tests on the quality of federal telephone services to official languages minorities to determine whether they are offered actively in both languages. We also considerably expanded our sample, testing 216 offices, compared to 55 in 1987.

Results indicate the situation has changed very little since last year. In bilingual regions outside Quebec, service in French was still unavailable in nearly 20% of cases. Fredericton and Winnipeg were the poorest performers with failure rates of 27% and 24% respectively. Active offer of service is still not a reality in those regions; 40% of calls were answered in English only, and 30% of receptionists were unable to speak French. In Montreal, Sherbrooke and Gaspé, on the other hand, 97% of requests for service in English were met.

Nine offices were tested in the National Capital Region. Telephone service was bilingual in 71% of cases, where performance beyond reproach should be expected.

We also analysed our data by province, based on location of official language minorities. At one end of the spectrum was Saskatchewan with a failure rate of 50%, followed closely by Nova Scotia, Prince Edward Island and Newfoundland, where 41% of requests for service in French were not met. The top performers were offices in Quebec and New Brunswick, where success rates were 97% and 85% respectively.

Deployment of bilingual staff

Bilingual staff providing service to the public in federal departments and agencies remained relatively stable this year. Although the number of bilingual service positions rose from 39,753 to 40,235 in 1988, the percentage of qualified incumbents, a much more significant indicator of the bilingual nature of services provided, fell to 85.3% (34,329), compared to 87.2% (34,651) last year. The decline was partly the result of the new Treasury Board bilingualism bonus policy designed to ensure that all bonus recipients still meet the language requirements of their positions. Much remains to be done, however, to meet the objective of 90% linguistically qualified staff which government had wanted to achieve in major departments by 1982-83. We also observed that the percentage of bilingual positions requiring elementary second-language knowledge declined from 6.8% to 6.3%, suggesting that our previous recommendations have not gone entirely unheeded.

On the other hand, there was an increase in the number of bilingual employees in certain Crown corporations serving the travelling public. Such was the case, for

example, of Air Canada, where over 60% of flight attendants are now bilingual. Air Canada's privatization legislation provides that the Corporation will remain subject to the Official Languages Act. That provision clearly underscores the official languages commitment of Air Canada and the federal government. Via Rail is also on the right track. Following presentation of our special report to the Governor in Council in December 1986 and the Corporation's appearances before the Standing Joint Committee of the Senate and House of Commons on Official Languages, some progress was made in the matter of collective agreements between the Corporation and its employees. The seniority principle governing the staffing of positions involving service to the public was ultimately tied to language considerations. The number of bilingual employees rose by 8.9% this year, a definite improvement.

There are nevertheless chronic weaknesses. Our investigations and audits showed once again this year that the presence of bilingual employees does not always guarantee that service is actively offered in both languages. It would appear that the rational utilization of bilingual resources, like all linguistic aspects of service to the public, is not given adequate priority in the organization of federal services. A case in point is Toronto Airport, where only 30% of Air Canada employees speak both languages. It is very often impossible to obtain good quality service in French because bilingual agents are not properly deployed and their wickets not always clearly identified. Another example is the Department of External Affairs, which likely failed to check whether third parties it engaged to provide telephone information on free trade were truly able to do so in both languages. The French-language service provided was often subpar, a fact that is surprising given the importance of the issue.

It was encouraging to note that some organizations, though not many, took positive initiatives in 1988. Revenue Canada (Customs and Excise), for example, installed bilingual inspection stations at a number of border points in Ontario. The purpose of the project was to determine whether bilingual services could be offered to the public at certain clearly identified booths. The experiment was a success and confirmed that easily accessible and visible bilingual services have a considerable impact on demand. At the time of writing, Customs and Excise was preparing to extend the experiment to other regions. Revenue Canada (Taxation), on the other hand, stood out as something of a pioneer this year, being the first department to use the federal symbol indicating the active offer of bilingual services in all its offices.

Service to small minorities

The regular contacts between our regional offices and the minorities, as well as our numerous visits to the regions and complaints and audits, revealed a chronic lack of service to small official language minorities. More specifically, Francophones outside the National Capital Region, Quebec and New Brunswick this year filed more than 10 times as many complaints per capita with our Office as those living in those regions. For small minorities, services in their preferred language, including certain public health and safety services, are deplorable. The

cases cited below concerning Prince Edward Island and national parks in Western Canada are merely examples of this scandalous situation.

We understand it is often difficult for institutions to appoint bilingual staff to regions where there is little demand for service in both languages. We are far from convinced, however, that managers are making the necessary efforts to do so. Do they communicate with the minorities to determine appropriate service points? When recruiting, do they ensure that their candidate inventories include bilingual candidates and, if not, do they make language training readily accessible? Why, in certain instances, do they not exploit the opportunity afforded by electronic telecommunications to overcome the difficulty of reaching out to geographically dispersed minority communities? Several happy precedents were set to reach out to relatively small minorities a few years ago. A number of institutions in the Toronto region, including Employment and Immigration Canada, centralized French-language services at one or more offices easily accessible to members of the official language minority. Many organizations would be wise to try similar initiatives elsewhere in the country so that relatively small Anglophone and Francophone minorities can obtain services tailored to their communities in their preferred language. After all, the Act refers to "significant demand" and "nature of the office"; it does not say that bilingual service is to be reserved for regions with large minorities.

National and international events

In 1987 and 1988 this Office conducted a study on compliance with the Official Languages Act at a number of national and international events held in Canada and abroad. On the national scene, we focused our attention on the Canada Games, which showed major improvement in delivering bilingual services to the public. However, the language aspects of services provided by third parties — sponsors, sub-contractors and other intermediaries — still showed some irregularities.

The delivery of bilingual services during international events held in Canada was much more problematic. At Expo 86 in Vancouver, for example, despite the excellent performance of the Canadian Pavilion and a number of federal organizations, particularly Air Canada and Customs and Excise, the vast majority of public announcements and services provided by sub-contractors were in English only. The RCMP's services at Expo 86 were far from satisfactory, either at Vancouver Airport or on the Expo sites. In 1988 approximately 30% of Francophones in Canada were unable to receive full broadcasts of the Calgary Winter Olympic Games in French, even though the parties concerned reached a compromise at the last minute. The Games Organizing Committee, however, took steps to ensure that bilingual services were provided on the Games sites.

Our analysis reveals that the federal government is poorly equipped to play its role as promoter of official languages when it takes part in this type of event. Since it had, at the time of writing, no specific policy on the matter, the language aspects of events are not fully integrated in the planning process. In some

instances, the federal government informed organizers and other parties of its language requirements two years after the initial agreements were concluded. Since the organization of such projects is a complex matter, it is essential that all involved be made aware of their linguistic obligations from the outset. For that reason, we suggest that federal authorities involved in organizing such events, mainly Treasury Board Secretariat and Fitness and Amateur Sport, ensure that the official languages dimension is given due consideration from the earliest planning stages.

National parks in Western Canada

We also reviewed the linguistic situation of services provided in national parks in Western Canada. Our study was conducted in response to numerous complaints received against the parks, more than one-quarter of which concerned Banff. The vast majority of complaints focused on the same problem: the absence of French-language services at strategic contact points such as entrances, visitor centres and major campgrounds.

Our investigation confirmed, first, that none of the parks reviewed offers service in person in both official languages in an audible, visible and permanent manner. Visitors are welcomed in English only, bilingual employees are not identified as such, and very little information is provided on available bilingual services. Furthermore, signage in all Western parks leaves much to be desired. The number of bilingual employees assigned to visitor reception at Banff is distinctly inadequate to provide service in both languages at all times, and the alternative arrangement in place — a recorded telephone message — does little to encourage Francophone visitors to request service in their language. The nature of Banff National Park, which can certainly be called a window on Canada's natural heritage, is alone enough to justify making all its services available and offering them actively in both languages.

The Canadian Parks Service has yet to give any real priority to solving the problems so often brought to its attention over the past 17 years. For that reason, we requested that energetic measures be taken as soon as possible to overcome the major weaknesses that persist in federal parks in Western Canada and that particularly urgent attention be given to Banff National Park. The Department has now agreed to draw up an action plan, which should be completed by March 31, 1989. The strong commitment of managers currently in place gives grounds for hope that the situation will at last show some appreciable improvement in 1989.

French-language services in Prince Edward Island

It will come as no surprise to readers that Francophones on Prince Edward Island do not receive adequate federal government services in French. The same is true for all Francophones who visit the Island each year. In 1987 we reported the results of a study on federal services in Prince Edward Island. In that report, we described the problem and asked the central agencies to establish a fully bilingual service centre in the Évangéline region, where 30% of the Island's Francophones reside, or to find another appropriate solution. Unfortunately, Treasury Board Secretariat has yet to begin work on this or any other project designed to

guarantee respect for the rights of the public concerned. The Secretariat claims it needs time to evaluate the situation more thoroughly in light of regulations governing "significant demand offices" and has again postponed its decision in the matter. Given that the need for such a centre was clearly demonstrated in our study and that the province has already opened similar offices, we hope appropriate measures will be taken shortly to correct the situation.

Federal elections and language rights

Just over 100 complaints were filed with this Office concerning government services provided during the 1988 federal election. Subsequent investigation revealed that the opportunity for Canadians to exercise, in their own language, a right as basic as the franchise is far from guaranteed.

Many irregularities were observed during the enumeration process. A number of citizens in bilingual ridings (particularly in New Brunswick and even in the National Capital Region and Quebec) were unable to use their language with unilingual enumerators. Returning officers appointed by the Governor in Council, 85% of whom were performing their duties for the first time, select enumerators, scrutineers and clerks from lists submitted by the candidates of the two major parties. Candidates from bilingual ridings are asked to ensure that at least 50% of those on the list are bilingual, but that rule of thumb is by no means followed by all concerned. Consequently, it is very difficult for the Chief Electoral Officer to meet his language obligations.

A number of other shortcomings were observed in public information campaigns organized to explain the electoral process. The language in which Elections Canada's announcements were broadcast on the Parliamentary Channel was subject to the good will of the cable television companies. As a result, a number of minority official language cable subscribers were unable to obtain information in their language. The Chief Electoral Officer intervened in response to complaints referred to him and requested that cable companies in bilingual ridings re-broadcast announcements alternately in English and French. In addition, language groups were not always treated equitably by the print media, which, depending on the region, published more complete announcements in one language than in the other.

We can see no other alternative in the circumstances than to ask government to take the necessary steps to modify the electoral process so that the Chief Electoral Officer can honour his linguistic obligations to the Canadian public, as he wishes and makes every effort to do. The Chief Electoral Officer will also have to correct certain situations which come under his authority, such as the problem of information provided to the public through various media.

As noted above, the language of service rights of the Canadian public have been considerably strengthened by the new Official Languages Act. It is important the Governor in Council pass regulations as soon as possible to clarify the scope of a number of provisions. In the meantime, government should take steps similar to

measures introduced regarding active offer to remove barriers to effective service in both official languages. More specifically, it should provide Canadians with adequate information on their language rights and make its employees more accountable for the bilingual services they offer the public.

We recommend the establishment of regulations governing communications with and services to the public that take into account the following principles:

- **the concept of *office* should be clearly defined because it is essential to any definition of significant demand or nature of the office;**
- **in prescribing the circumstances governing *significant demand*, regulations should emphasize the particular characteristics of the English-speaking and French-speaking minorities concerned as much as the nature and volume of communications (Section 32(2));**
- **in prescribing the circumstances governing the *nature of the office* (Sections 24 and 26), regulations should guarantee that the public will be spared all prejudice to its health and safety; they should also clearly state what constitutes the national or international mandate of certain federal offices (Section 24);**
- **in prescribing the nature of regulated services provided to the travelling public *pursuant to a contract* (Section 23(2)), regulations should guarantee that members of the travelling public have access in their language to all services to which they are entitled, and not simply to essential services;**
- **when organizing and establishing federal services, particularly those pertaining to public health and safety, government should take into account the specific needs of small official language minorities;**
- **government should develop an appropriate policy and act as soon as possible on its commitment to take all necessary measures to guarantee that bilingual services are provided at national and international events in Canada.**

Furthermore, we re-state our recommendations from previous years that government:

- **ensure that every office offering services to members of an official language minority has at all times at least one fully bilingual employee (C level) capable of handling complex issues;**
- **eliminate the elementary level of second-language proficiency (A) for most positions involving service to the public;**

- **adopt stricter control measures to ensure the ongoing active offer of service in both official languages;**

- **ensure that effective administrative arrangements are made to compensate for any temporary lack of bilingual staff.**

4. Equitable Participation: Endurance Test

The concept of equitable participation in federal institutions, one of the cornerstones of language reform since the 1960s, is now embodied in Part VI of the 1988 Official Languages Act. The legislation requires that both English-speaking and French-speaking Canadians have, within the merit principle, equal opportunities for "employment and advancement" in federal institutions, without regard to their ethnic origin or first language learned. It further commits the government to ensuring that the composition of the federal work force "tends to reflect the presence of both the official language communities of Canada". An appropriate "reflection" of the two communities should take account of the characteristics of individual institutions, including their mandates, the public they serve and their location. The Act also integrates the goal of participation into the overall objectives of the Act, guaranteeing service to the public in both languages and affirming the equal status of English and French as languages of work in federal institutions.

Federal institutions

The Act refers to "federal institutions", a somewhat larger universe than the departments and agencies of the 1973 Parliamentary Resolution which first enunciated the concept of "full participation in the Public Service by members of both the Anglophone and the Francophone communities." Federal institutions include the administrative structure of Parliament and federal courts, Crown corporations, the Armed Forces and the Royal Canadian Mounted Police, as well as departments and agencies proper.

How well are federal institutions doing in giving individuals equal access to employment and promotion, and in ensuring balanced participation of the two language communities among their staff? Table II.9 shows the overall numbers and percentages of Anglophone and Francophone employees working for the various branches of government. The figures indicate that the federal work force as a whole tends to reflect the presence of both official language communities of Canada, approximately three-quarters Anglophone and one-quarter Francophone. In the 1986 census, 64% of Canadians declared English as their mother tongue, 25% declared French and 11% claimed other languages.

Table II.9

	Language[1]						
	Anglophone	**%**	**Francophone**	**%**	**Unknown**	**%**	**Total**
Departments[2]	157,118	71.9	61,416	28.1	-		218,534
Crown corporations[2]	108,444	61.3	42,377	23.9	26,162	14.8	176,983
Parliament[3]	869	38.5	1,390	61.5	-		2,259
Armed Forces[4]	62,738	73.0	23,204	27.0	-		85,942
RCMP[5]	13,826	82.1	3,008	17.9	-		16,834
Total	**342,995**	**68.5**	**131,395**	**26.3**	**26,162**	**5.2**	**500,552**

[1] Employees of Crown corporations listed as "language unknown" work for Canadian National in primarily English-speaking areas of Canada.
[2] Treasury Board's Official Languages Information System.
[3] Includes staff of the Senate, House of Commons and Library of Parliament.
[4] Military personnel only (civilian personnel are included under departments).
[5] Members only (Public Service employees are included under departments).

This apparent balance nevertheless hides sectoral and hierarchical imbalances which must be corrected if the objective of equal access to employment and promotion is to be achieved.

In federal departments and agencies, Francophones tend to be particularly over-represented in administrative support positions and under-represented in management. In both the RCMP and the Armed Forces, Francophones occupy a much higher percentage of positions in the lower ranks than at senior officer levels. They also have less than a fair share of jobs in departments and agencies in northeastern Ontario. In Quebec, Anglophones occupy a much smaller share of such positions than their presence in the population would warrant and a disproportionately large number of positions in major Crown corporations.

Among the three factors mentioned in the Act to determine what constitutes "appropriate" participation, *location* appears to have the greatest influence. Public Service Commission statistics reveal little staff mobility from region to region or from the regions to head offices in Ottawa-Hull. In most cases, federal employees are hired locally and spend their entire working lives in that same region. Also, employees of departments and agencies are unevenly deployed across the country; one-third work in the National Capital Region, an area with only 3% of Canada's population. The composition of the federal work force in the NCR, especially at the lower levels, tends to reflect the linguistic make-up of the region rather than national figures. Of the 70,000 or so federal employees working in the NCR, 64% are English-speaking and 36% French-speaking, figures that almost exactly reflect the linguistic composition of the local

population. Half the Francophone employees are clustered in the two lowest ranked and lowest paid employment categories, Administrative Support and Operational, compared to one-third of Anglophones. This single anomaly is enough to explain the relatively high overall proportion of Francophones in government departments and agencies, since almost half of all Public Service jobs are in these two categories. The phenomenon is particularly noticeable in small departments and agencies located in very bilingual regions.

Similarly, the linguistic composition of regional office staff tends to reflect that of the local labour force. In many departments with offices located right across Canada, the overall proportions of Anglophone and Francophone employees tend to reflect national figures. However, some federal offices are concentrated in a single region, with predictable results for the linguistic composition of staff. For instance, among Crown corporations, the Cape Breton Development Corporation's staff is over 99% Anglophone (3,449 of 3,454), while that of the St. Lawrence Pilotage Authority, based in Quebec, is 97% French-speaking (58 of 60). In other departments, such as Fisheries and Oceans and Indian Affairs and Northern Development, whose staff are concentrated in English-speaking regions, Francophone participation rates are considerably lower than national proportions (16% and 15% respectively). While the RCMP performs police work on contract for eight of the 10 provinces, it does not do so in Quebec and Ontario, where the majority of French-speaking Canadians reside. At present, 82% of RCMP members are Anglophone and this proportion is not expected to fall much below 80%. Lastly, many official language minority communities are located some distance from major federal offices in their province, examples being the French-speaking population of Alberta's Peace River district and English-speaking Quebecers in the Gaspé Peninsula. The relative isolation of these communities is frequently reflected in the low participation of minority language employees.

Although some Crown corporations have examined participation ratios in their Quebec operations, the statistics available for Crown corporations as a whole provide an incomplete picture of employee distribution across Canada and at various levels of seniority. With the 1988 Official Languages Act, these corporations will have to pay closer attention to this aspect of their operations.

The impact on participation of *mandate* and *public served* is nowhere more evident than in organizations with parallel structures to serve English- and French-speaking publics. The Canadian Broadcasting Corporation, with its two language networks, has a staff that is 59% Anglophone and 41% Francophone (6,621 and 4,530). The Canada Council, with a similar dual-language mandate, has a disturbingly unbalanced participation ratio of 38% Anglophone staff and 62% Francophone (88 and 141 employees). In the case of the CBC, the proportion of Anglophones is over half because of the predominance of Anglophone engineers and technicians; in the Canada Council, the high number of

Francophone employees in administrative support positions is enough to raise overall participation to over half.

Although the Act clearly provides for a reasonable degree of flexibility in determining "appropriate" levels of participation, certain situations continue to present distinct problems.

Administrative Support category

The Administrative Support category includes secretaries, word-processor operators and clerks — the indispensable wheel-turners of the government machine. Nearly a third of all Public Service jobs fall into this category (31.1%, or 67,973 of 218,534).

National Capital Region

The table below sets out the proportions of Anglophones and Francophones in the officer categories and the Administrative Support and Operational categories in government departments in the National Capital Region.

Table II.10

	Officer Categories	Administrative Support	Operational	Total
Anglophones	28,683 (69.8%)	13,445 (54.6%)	2,526 (52.6%)	44,654 (63.3%)
Francophones	12,421 (30.2%)	11,171 (45.4%)	2,276 (47.4%)	25,868 (36.7%)
Total	**41,104 (58.3%)**	**24,616 (34.9%)**	**4,802 (6.8%)**	**70,522 (100%)**

The National Capital Region is home to 24,616 administrative support positions, 36% of those found in the Public Service proper. Given the impact of local recruiting, one would expect to find the proportion of Francophones in these positions to be about equivalent in percentage. In fact, a high 45% of administrative support positions in departments in the NCR are occupied by Francophones, which represents a 9% discrepancy.

The proportion reaches 50.3% in 20 of the smallest departments and agencies. Since these agencies are frequently located only in the National Capital Region, the imbalance in the Administrative Support and Operational categories has a significant effect on their overall participation profile.

This imbalance appears to result principally from the language requirements of positions and the manner in which they are staffed. Fifty-two per cent of the administrative support positions in the NCR require a knowledge of both English and French. In most cases, departments insist on hiring linguistically-qualified candidates. In this category, more often than in others, departments hire bilingual

staff for bilingual positions even when staffing guidelines allow greater flexibility (non-imperative staffing). Furthermore, positions in the Administrative Support category are much more frequently staffed for a limited period (term) than those in officer groups; bilingual term positions must be staffed with already bilingual candidates. Our own studies show that in 1987 imperative staffing was used for 83% of bilingual administrative support positions, as compared to 36% of bilingual management positions. Compared to officers, administrative support staff have limited access to language training, partly because of the high rate of imperative staffing in the category, and partly because it is frequently difficult operationally to do without support staff. Francophones are still more frequently bilingual than Anglophones with comparable educational backgrounds and thus have a competitive advantage in applying for such positions. All of this suggests that it would be appropriate to look into factors such as the availability of bilingual Anglophone candidates, recruitment, academic requirements, language training facilities and other systemic barriers that appear to impede a more equitable participation of the two official language groups. Any such study should also examine carefully whether the language requirements of administrative support positions have been objectively determined, as required by the Act.

Regional participation

Anglophone participation in Quebec

For some time now, this Office has noted the low participation rate of Anglophones in federal departments and agencies in Quebec outside of the NCR. However, the broader picture of participation in all federal institutions, including Crown corporations, is more encouraging. The available figures do not allow for a final judgement on this question, but it would appear that Anglophones have better than average access to positions in major Crown corporations in Quebec.

When Crown corporations and federal departments and agencies are considered together, Anglophones occupy 16% of some 66,000 federal positions in Quebec. In federal departments and agencies in Quebec, they occupy 5.5% of all positions; within Crown corporations the proportion rises to 26%. However, a strictly statistical analysis does not do justice to a complex situation. Three of the four major Crown corporations in Quebec (Via Rail, Air Canada and Canadian National) have their head offices in Montreal and the participation ratios in these administrative centres are naturally closer to national than to regional population figures. Within Canada Post, the largest Crown corporation in Quebec, Anglophones account for only 364 of 14,455 employees (2.5%).

The proportion of Anglophones working in federal departments and agencies in Quebec had fallen steadily up to 1985. In 1987, in response to an Anglophone participation rate among departmental staff that was less than half what it should have been relative to the population of the province (12.6%), this Office submitted a special report to the Governor in Council calling for energetic measures to

correct the situation. In 1988 we are able to report a stop to the decline; although the *number* of English-speaking employees has decreased in the last three years, the *proportion* has remained stable at 5.5%. More encouragingly, the average age of Anglophone employees is dropping, suggesting that new recruitment is at least compensating for the large numbers of retirees. Unfortunately, this small gain — the result of sustained efforts by the Treasury Board, the Public Service Commission and the Quebec offices of several departments — appears to have been made in the very categories where Anglophones were already best represented. They now occupy 17.5% of positions in the Scientific and Professional category in Quebec (528 of 3,018), and account for 20.8% of recruits to the category in 1988 (27 of 130). Among Administrative Support staff, Anglophones occupy only 2.6% of positions (247 of 9,537), and accounted for 7.4% of recruits in 1988 (11 of 148), in both cases far below their proportion of the population.

Some of the same factors which explain the predominance of Francophones in the Administrative Support category in the National Capital Region appear to be at work in Quebec as well: a high proportion of positions requiring a knowledge of both languages or of French alone and frequent use of term positions which require that candidates be bilingual on entry. The Canada Employment and Immigration Commission, which acts as the local recruiting agent for administrative support staff in federal departments, has only recently begun to actively seek out bilingual Anglophone candidates by increasing its contacts with English-language schools and associations. It has also re-introduced the use of permanent inventories which should allow qualified candidates more time to find suitable positions.

As noted above, Crown corporations in Quebec display a very different linguistic composition. The three Montreal-based major transportation companies — Air Canada, Via Rail and Canadian National — alone employ at their head offices or in the Quebec region close to 9,000 Anglophone staff (of 20,584), more than five times the number working for all federal departments and agencies in Quebec. Anglophones thus account for over 40% of the staff in these three institutions.

Francophone participation in New Brunswick and northeastern Ontario

Among other regions where we have previously noted participation imbalances, the situation appears to be improving in New Brunswick and stagnant in northeastern Ontario. In New Brunswick, Francophones occupy 29% of jobs in federal departments and agencies, up from 23% in 1983. They still account for only 22% of departmental staff in northeastern Ontario, a proportion well below their presence in the population (33%) and one which has remained virtually unchanged since 1987. Greater improvements will be needed in this region.

In our 1984 Report we noted that Francophones occupied only 20.5% of all positions in the Management category in federal departments, the same proportion as in 1981. While we also stated that "Public Service Commission forecasters

expect that the Executive category will be 25 per cent Francophone by 1987". Francophone participation in the Management category now stands at only 21.6%. We can find no reason arising from the mandate, public served or location of government departments to explain this low figure. A majority of management positions are located in the National Capital Region (2,866, or 70%). The Public Service Commission has made some progress in developing inventories of candidates for promotion to such positions and in recruiting managers from outside the Public Service. In 1988, 10 of the 48 managers brought in from outside the Public Service were Francophone, as were 64 of the 257 public servants promoted to the category (24.2%). These figures are encouraging in that they reflect more accurately the national population, but they are too low to redress a situation which has stagnated for too long.

In 1988 Francophone participation in the Scientific and Professional category improved marginally, from 21.9% to 22.3%, but it is still noticeably out of line with general population figures. This phenomenon appears to arise mainly from imbalances in a half dozen large departments such as Fisheries and Oceans and Environment. Francophones also occupy less than 15% of positions in a few key employment groups, such as biological sciences, physical sciences and scientific research. This situation should be carefully monitored.

The 1988 Official Languages Act has not of course transformed the linguistic composition of the Public Service overnight. This year we see the same sectoral, hierarchical and regional imbalances noted in past years, and in most cases the situation is virtually unchanged. What the new Act does provide, however, is a more precise and reasonable set of criteria for evaluating the performance of individual federal institutions and explaining some apparent imbalances. It also supplies a more explicit guarantee of individual rights and a statement of community objectives.

We recommend that:

- **the Treasury Board Secretariat ensure that the letters of understanding to be signed with departments and agencies reflect the participation criteria set out in the Official Languages Act, 1988;**

- **the Public Service Commission conduct a detailed study of recruitment to Administrative Support positions in the federal Public Service, with particular attention to the National Capital Region and Quebec, with a view to improving the access of English-speaking Canadians to this employment category;**

- **the Public Service Commission and Treasury Board Secretariat take all necessary steps to arrive at a balanced participation of Anglophones in federal institutions in Quebec and of Francophones in federal institutions in other parts of Canada, in particular northeastern Ontario and New Brunswick;**

- **the Treasury Board Secretariat and the Public Service Commission undertake detailed studies to determine the reasons why French-speaking Canadians remain under-represented in the key Management and Scientific and Professional categories, and take appropriate action to eliminate barriers that hinder their equal access and promotion to these categories;**

- **the Treasury Board Secretariat take the necessary steps to ensure the full participation of both official language groups in the field of science and technology;**

- **Crown corporations examine the participation of the two language groups among their employees, and formulate plans to correct imbalances.**

5. Language of Work: The Acid Test

On March 27, 1985, the Prime Minister unequivocally stated his position on French as a language of work in the federal Public Service: "If people are not able to work in French, the language will become mere folklore. We have to preserve the integrity of that instrument, of that cultural and linguistic resource...". In so saying, he re-stated a concern expressed 20 years ago by the Royal Commission on Bilingualism and Biculturalism that "Unless a language can flourish in the world of work, legal guarantees of its use by government services, courts, and schools will not be able to ensure its long-term development."[1] The three Commissioners of Official Languages have since reiterated this notion on many occasions.

Legislative framework

In the 1988 Official Languages Act, Parliament re-affirmed the equality of status of Canada's two official languages in federal institutions and explicitly provided for the right of employees of those institutions to use their preferred language at work in the regions designated. Federal institutions are now required to ensure that the work environment in the National Capital Region and in regions designated under Treasury Board Circular 1977-46 is conducive to the use of English and French so that employees may exercise their right to use either language. Those provisions are now in effect, but we are still eagerly awaiting language of work regulations from the Governor in Council. Those regulations should state the concrete methods and measures government intends to take to provide such a work environment and to meet the bilingual supervision requirements in the regions concerned. Clarification is also required of Section 35(1)(b) of the Act, which sets out the responsibility of each federal institution to ensure that, outside prescribed regions, the treatment of both languages in offices in parts or regions of Canada where one official language predominates is reasonably comparable to the treatment of both official languages in the work environments of the institution in parts or regions of Canada where the other official language predominates. All these new provisions should breathe new life into the language of work objective, the poor cousin of the federal official languages program.

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[1] Book III, p.3.

Institutional performance

Based on complaints we receive and our own audits, equality of status of both official languages will not be achieved tomorrow or the next day in the designated regions. Once again in 1988 the language of work situation remained static: French is still not used as extensively as it should be in the National Capital Region, even less so in the bilingual regions outside Quebec. By the same token, while English continues to enjoy enviable status as a language of work in most Crown corporations in Quebec, it is under-used in most federal department offices in that province.

Treasury Board Secretariat took several sound initiatives this year. It began a study to determine the factors that create work environments conducive to the use of both languages, and it finally distributed to all federal institutions copies of its guide, "Chairing Meetings: How to make your meetings a success in both official languages". While these are two very helpful initiatives that respond to recommendations we made last year, more must be done, and done more quickly. The Secretariat also prepared a folder for employees on highlights of the Official Languages Act, studied the use of French in the field of science (including technical and scientific publications), and issued a policy on information technologies and official languages. At the time of writing, neither of these measures had yielded perceptible results.

Supervision and work documents

In the matter of supervision, 3,646 supervisors (20% of the total) working in the bilingual regions still do not have the necessary language skills. Oral communications between Ottawa-Hull and offices in Quebec are still often in English only because of the poor linguistic capacity of many Ottawa-Hull employees. When many supervisors and employers cannot at least understand the second language clearly, it becomes difficult, if not impossible, to use both languages effectively at work. Lastly, federal institutions appear not to have paid enough attention to our recommendation that minority language employees should, in normal circumstances, be able to use their own language at work, subject to the language obligations of their positions, and be encouraged to do so by their supervisors.

Work documents such as memos, financial reports, work plans and directives still appear in English only more often than one might expect 20 years after the 1969 Official Languages Act. In several departments, many technical and scientific documents are unilingual English because suppliers have not been required to provide bilingual documentation. The same situation persists in computer services. Although the computers themselves can generally function in both languages, training, instruments and documentation (manuals, software and keyboards) are often available only in English. We are therefore pleased that Treasury Board Secretariat issued a policy in December 1988 designed to correct this situation.

National Capital Region

In spring 1988 we met with roughly 40 federal employees from 22 departments in the National Capital Region to discuss their language of work situation. Both language groups separately expressed the common view that French is inadequately used in NCR offices. Anglophones suggested that the need to work in French be encouraged and said they wished Francophones would insist on using their language in the work place. Francophones clearly stated their desire to work more often in French and spoke of the habits and systemic barriers, such as the unilingualism of certain Anglophones who make effective communication at meetings impossible, that discourage the use of French at work.

Our analysis revealed attitudes and circumstances which, though less apparent, are substantial and prevent people from exercising free choice in the matter of language of work. Slightly more than one-third of the 2,866 managers in the National Capital Region are able to understand and speak their second language at a functional level (levels C and E); 240 have not even elementary second-language skills. It is therefore not surprising that many Francophones fear how they will be perceived if they persist in their desire to work in French. In some cases, lack of understanding on the part of inadequately bilingual supervisors could have unfortunate consequences when employees' performance has to be evaluated.

We also interviewed 20 bilingual senior managers, all Anglophone, who said they are not motivated to use French in the NCR because most Anglophones do not really need to become and remain bilingual. Employees can take language training, pass their tests and then blithely continue working exclusively in English.

New Brunswick

What of federal employees in New Brunswick? The fact is that French is scarcely better established as a language of work in that province. Federal employees in New Brunswick would like to see stricter enforcement of current policies such as those governing work instruments, bilingual meetings and bilingual supervision. A survey we conducted of 3,000 employees in 15 federal departments in New Brunswick also revealed a need for more thorough understanding of language of work rights and duties and for training to enable supervisors to create a work environment conducive to the use of both languages. These reactions were curiously similar to the concerns expressed by managers and employees in the NCR.

Considering the demographic, social, cultural and, in some instances, economic imbalances between the two language groups in this province, the most decisive language of work factor appears to be the presence of unilingual colleagues in the immediate working environment. One Francophone employee in three has a unilingual supervisor and, on average, three unilingual co-workers, whereas only 3.5% of Anglophones have unilingual Francophone colleagues or employees. In

addition, the environment also has a multiplier effect: the more Francophone or bilingual employees in a given office, the more French is spoken and written.

Although 45 senior managers in New Brunswick understand and speak their second language with relative ease, French is still not used sufficiently as a language of work. Although one bilingual supervisor does not a bilingual environment make, it is nevertheless up to that supervisor to try to create an atmosphere that encourages the use of both languages.

French and science

Canadian science and technology, influenced to a large extent by the United States, have adopted English as the working language. As a result, major scientific publications are in English, and Francophone scientists write and publish mainly in that language. The situation was described succinctly in one complaint we received: "If you want to be read and understood in the field, you have to communicate in English." Given this hard reality, a new dynamic has to be created around the use of French before the language slowly fades away and disappears completely from the daily lives of scientists and technologists. Some departments, such as Communications and Fisheries and Oceans, have decided to place some of their technological and scientific activities in a more Francophone environment and have opened research centres in Montreal and Mont-Joli. Although these efforts, described below, are praiseworthy, government must also develop a policy to guarantee the full participation of Francophone scientists and create a work environment for them that encourages the creative use of French. As the Commissioner mentioned in May 1987 in a presentation to the Association canadienne-française pour l'avancement des sciences, such a policy should promote exchanges in the Francophone scientific community, encourage Francophones to write and publish in French, stimulate Canadian participation in international scientific projects in which French is the language of work and establish a task force on French-language software. The task force's mandate would be to prepare an action plan to promote French as one of the two languages of science in government and in certain universities and industries.

Office automation

Founded in 1985 by the Department of Communications, the Canadian Office Automation Research Centre is a leader in applied office automation systems research and ensures that such systems contribute to both public and private sector productivity. Its highly diversified clientele includes users, private sector and government decision makers, specialists and researchers. The Centre is located in Laval, has some 60 employees (over 80% of whom are Francophone) and is thus trying to make greater use of French as a language of work. The Centre's location and high concentration of Francophone employees, the at least passive bilingualism of Anglophone employees and the real opportunity to design and carry out projects in French have helped reduce the preponderant use

of English in this high technology field. Nevertheless, the high percentage of bilingual positions (78%) also reflects the virtually absolute need to rely on the most advanced computer and office automation technology, which is American. As a result, considerable imagination and organization are needed to promote the constructive use of French.

More work clearly has to be done to make French a language of work at the Centre, particularly in the drafting of research reports. Although science and technology appear naturally to favour the use of English, it must be remembered that individuals create the systems and control their development. In this particular instance, the manifest, unwavering will of government could make all the difference.

Maurice Lamontagne Institute

The Maurice Lamontagne Institute is the most recent research centre established by the Department of Fisheries and Oceans. Located in Mont-Joli and officially opened in June 1987, it is the only institute that contains facilities for the Department's three scientific activities: hydrography, oceanography and fisheries research. It is also a centre where the language of work is French. However, the Institute is not a unilingual unit; since staff must communicate frequently with Anglophone fishermen and researchers and make use of international scientific resources in English, 52% of its positions are bilingual. Approximately 100 positions (48%) are French-essential. The incumbents of bilingual positions use English only 20% to 30% of the time, and that includes the drafting of research reports, most of which are prepared in English. Some employees at one of the Institute's components, the arctic biology station in Sainte-Anne-de-Bellevue, have only elementary French second-language skills, a factor that hardly facilitates communication in that language.

Institute representatives said that employees were ready to conduct research in French and to expand research potential in the future. The Institute's location in a predominantly Francophone region and its close ties with Laval University and the University of Quebec in Rimouski are helping to increase the use of French in science.

Neither of these centres has reached cruising speed, however. The will of decision makers and Anglophone attitudes towards French are the key factors that should be maintained and strengthened to increase the use of French in the work place.

Training and development

As we have said elsewhere, training and development should be available in both official languages. English still appears to dominate to a large extent, however, and employees do not always have the opportunity in practice to choose the language in which to take occupational training. In 1988 the Public Service

Commission offered over 50 courses in English only. It is therefore not surprising that 41% of Francophones who took occupational training did so in English. The omnipresence of English in the work place encourages many Francophone employees to enrol in training and development in that language, and many Francophone managers train at the Canadian Centre for Management Development in English, even though Centre officials feel they offer French-language training of equal quality. In many instances, a course offered in French is cancelled due to low registration. In 1987 the Commission cancelled one-half of its French-language courses, despite considerable efforts to encourage employees to enrol. For Anglophone employees in Quebec, the problem is mainly one of access to training and development in English. We feel, however, that the problem could be easily overcome with a little extra and sustained effort.

The linguistic imbalance in training and development affects all federal institutions. Choice of language for training and encouragement for Francophones to take courses in French are extremely important factors for the promotion of effective use of English and French as languages of work. A balance between the two would help not only to provide better training to government employees in their own language, but would also help retrain them linguistically, something that would have a positive effect on the use and quality of the language in the work environment. We therefore think it appropriate to encourage government to provide federal managers with bilingual courses such as those currently given to assistant deputy ministers and to offer an incentive by giving priority to managers requesting them.

Senior managers

Lastly, we should mention the decisive influence that senior managers of federal institutions have on language of work. Experience suggests that the use of the two languages in the work place is greatly influenced by the language performance of a deputy head and his or her immediate co-workers as well as the actual interest they show in the language issue. The political will has been clearly expressed and must now be embodied in concrete administrative measures by the central agencies. And those measures must be felt in every federal institution so that both languages are given equal weight in the work environment.

Implementation of the official languages program, and more particularly of the language of work objective, is not merely a matter of resources. It is also one of the good will and creativity that are likely to influence the work place. Once again we recommend that employees recognize a "reciprocal civic obligation", that majority language and bilingual minority language employees spontaneously make greater use of the minority language at work. This is one of the most valid ways of achieving a balance in situations where one language unduly predominates as a language of communication. Such an effort would do much to give the minority language its rightful place in federal institutions in addition to helping bilingual employees maintain their language skills.

We recommend that:

- **the Governor in Council issue regulations designed to create and maintain a work environment conducive to the effective use of both official languages in designated regions and locations and, more particularly, to ensure that senior managers and supervisors in such regions and locations are capable of performing their duties in both official languages so that employees may freely use either English or French;**

- **the Treasury Board Secretariat adopt and promote a policy designed to create a work environment conducive to the use of French or, where appropriate, to the use of English;**

- **the Public Service Commission and the Crown corporations, in addition to offering separate English and French courses (which should remain the norm), provide bilingual training and development courses for members of the Management category;**

- **all necessary steps be taken to promote the use of French as a language of science in federal institutions;**

- **incentives based on the Act and on recognition of a reciprocal civic obligation be established to produce a more balanced use of the minority language in the work place.**

PART III

Equality in Federal Institutions: Evaluations

Fifty Players: Signs of Renewal

The 50 departments, agencies and Crown corporations evaluated in detail this year are selected from the approximately 180 federal institutions with obligations under the Official Languages Act. They range in size from a few hundred employees to 120,000. All are of importance to Canadians even if some have few direct contacts with the general public.

Each year we re-examine certain high-profile institutions and include others that have been the subject of a linguistic audit or of a follow-up to an earlier audit (indicated by an asterisk). Still others are included because they have not been evaluated in recent years and a detailed re-examination of their linguistic health is in order.

The performance of each institution is evaluated in terms of the three basic elements of the official languages program — language of service, language of work and equitable participation. We also comment on the institution's management of the program as a whole and on the degree to which it responds satisfactorily to complaints.

The 1988 Official Languages Act has introduced new precision and new challenges into our evaluations. The language of service obligations of institutions have been made clearer. For example, the Act now requires that services be actively offered to the public in both languages, an issue we have commented on for several years.

Language of work standards are also spelled out in the Act. Institutions are required to ensure that, in designated bilingual regions, the work environment is "conducive to the effective use of both official languages". The Act thus enshrines in law the considerations we have long borne in mind in assessing language of work issues. We continue to look at such factors as whether work instruments are available in both languages and whether supervisors exercise their responsibilities in the official languages of those who report to them.

We have refined our approach to equitable participation in line with the provisions in the 1988 Act, which requires that the mandate, the public served and the location of an institution be taken into account. In some cases, we have been able to determine whether an institution has lived up to the commitment to ensure that English- and French-speaking Canadians have equal opportunities to obtain employment.

The performance of the institutions evaluated this year ranges from the frankly disappointing to the quite laudable, indicating, in global terms, that the program is showing signs of renewal. In sum, it appears from our sample that the commitment to language reform is becoming progressively more widespread and that there is a desire to get on with the job. Our critical comments have been written with a desire to encourage. And our praise should not be taken as an invitation to relax.

Agriculture

The Department of Agriculture was particularly active in official languages program administration in 1988 but, despite the encouraging prospects thus afforded, real progress in language reform remains elusive.

In designated bilingual regions, members of the public are able to deal with departmental offices in their preferred official language. Outside those regions, however, even in areas where there is significant demand, including Toronto and Winnipeg, the action taken was not effective because of an inadequate number of bilingual employees. Outside the National Capital Region, Quebec and New Brunswick, only 93 of the Department's 6,299 employees (1.5%) are bilingual. That number is clearly inadequate to ensure French-language services to the Department's Francophone clientele. The number of qualified bilingual employees throughout the Department fell from 2,178 in 1987 to 1,993 in 1988; the decline is disconcerting since total strength fell by only 129 during the same period.

Service is actively offered in English and French in the National Capital Region and New Brunswick. Elsewhere, only a few offices greet the public in both languages. We hope that the course the Department has recently offered its employees on bilingual reception services, and the distribution of the new Treasury Board symbol encouraging the public to use their own official language in addressing staff, will help increase the number of locations where bilingual services are clearly announced. In written communications, the Department honours its obligations to the public fairly well: signage, publications of general interest, popular versions of scientific works and advertising are issued in both languages.

French is gradually being given its proper status as a language of work at Agriculture Canada, despite a continuing marked weakness in the language skills

of supervisors. Manuals and policies as well as management directives are drafted in both languages. Employees also have access to central and personnel services in their preferred language. In 1988 the Department paid special attention to the language of communications between headquarters and the Quebec region by conducting a study. This revealed various weaknesses, including the sending of both urgent and draft documents to Quebec in English only, and the difficulty encountered by certain work units in the National Capital Region in communicating in French with Francophone co-workers in the regions. The Department began implementing the corrective measures proposed, which are designed mainly to improve the use of bilingual resources at headquarters and to introduce more stringent controls for written documents sent to the regions. Management will monitor the matter in 1989.

Bilingual supervision is a major concern for Agriculture Canada. Only 818 of its 1,062 bilingual supervisory positions (77%) are occupied by qualified incumbents, a decline of nearly four points since 1987. The Department will also have to make considerable efforts, given the role of English in such specialized fields as research, to create an environment in which Francophone scientists can work in French.

No significant change has occurred in participation since 1987. Of the Department's 11,461 employees, 21.5% are Francophone. The figure, although lower than the Francophone presence in Canada's population, is mainly the result of extensive staff decentralization: nearly 60% of employees now work outside bilingual regions. That said, major imbalances exist in certain occupational categories and regions. Despite a slight improvement, the number of Francophone employees in the Management (14.5%) and Scientific and Professional (18.7%) categories is still inadequate. Scarcely 3.8% of employees in the Quebec region are Anglophone, a slight decline from 1987. Francophone participation is still low in New Brunswick (17.9%) and Manitoba (1.3%). It will be difficult to improve participation in the regions so long as staff cutbacks make it impossible to hire new permanent employees.

The official languages program is now on the list of departmental programs and sectors subject to internal audit. In addition to its communications study, the Department has begun an audit of official languages program management. The review will be followed by a report, expected in 1989, which will focus on various aspects of the program, from the Department's policy statement to its implementation by managers. Senior management gave approval for nine studies on implementation of the 1988 Official Languages Act, all of which started in fall 1988. Each deals with a distinct subject, such as the definition of "significant demand", and relates it to one of the three major objectives of the official languages program: service to the public, language of work and participation. The studies will take at most a year to complete and are sponsored by various operational sectors with the support of the Official Languages Division. Conclusions

and recommendations will be applied throughout the Department. This is a noteworthy effort indicative of Agriculture Canada's desire to give much needed momentum to language reform.

We received 11 complaints against the Department of Agriculture in 1988, compared to 18 in 1987. Two concerned the inability of the Forestry Research Centre and Food Production and Inspection Office in Sault Ste. Marie to provide service in French. Six others dealt with the Department's failure to publish announcements in the minority language press, unilingual English signage, publications at the Edmonton Forestry Research Centre, and the poor French used in a bilingual press release issued by headquarters. All three language of work complaints concerned internal written communications. The Department responded quickly to complaints and to requests for information. Only in one instance was there a delay of several months.

Air Canada*

Although Air Canada ceased being a Crown corporation in August 1988, under its privatization legislation it is still subject to the Official Languages Act.

Air Canada has several assets which can help it meet its language obligations. In terms of service to the public, its staff's bilingual capability is increasing constantly and program administrators are making active efforts to increase awareness and controls. Nevertheless, the fact remains that the measures Air Canada has taken over the years have not yet produced all the desired results. The major cause is that it does not always make optimum use of its bilingual staff. It should examine this problem on a priority basis. English and French are nowhere near to having equal status as languages of work, though progress has been made. We hope Air Canada will step up its efforts in this area.

We commend the Corporation for having constantly increased the number of bilingual employees of both the ground and in-flight services. At the Toronto airport, for example, over 30% of employees are bilingual, a 5% increase in two years. As well, more than 60% of flight attendants are bilingual, compared to 58% in 1987. Major weaknesses persist at a number of ground service points in both Western and Eastern Canada. At the Saskatoon, Saint John and Charlottetown airports in particular, service in French is provided by a single bilingual employee. Air Canada is also finding it difficult to field enough bilingual employees at certain foreign destinations, particularly in the Caribbean. It is hard to overcome the shortage or complete absence of bilingual staff providing personal service; it is usually not very practical, for example, either on the ground or on aircraft, to call upon a bilingual colleague for assistance. Consequently, we encourage Air Canada to continue its efforts to hire bilingual personnel.

Current bilingual resources should nevertheless enable Air Canada to perform more effectively than it does. It could increase the availability of services in both languages by the judicious distribution of bilingual employees and by indicating exactly where such services are provided. In the case of ground services, such as those provided at the Toronto airport, this would mean locating bilingual staff at the various service points and on each shift, and reaching whatever agreements are necessary in this regard with the unions. Air Canada could also indicate bilingual service counters more clearly. In our view, Air Canada would be wise to review its present airport signage, particularly the use of signal lights, a system which few passengers understand. Finally, all bilingual employees should be required to use both languages when greeting passengers, something that is generally not done.

Bilingual service should be offered actively both when greeting passengers at the aircraft door and when providing in-flight services. Directives governing the assignment of bilingual attendants to flights are generally complied with and guarantee a minimum number of such personnel on all flights. This enables Air Canada to ensure that all announcements are made in both languages. We nevertheless encourage it to review current standards so as to increase the number of bilingual flight attendants serving regions with large French-speaking populations. For example, on direct flights between Quebec City and Toronto all flight attendants should be bilingual.

Air Canada can guarantee service in the customer's preferred official language only if it can count on the co-operation of the employees responsible. Its efforts to increase staff awareness are worthy of note. Program officers held information sessions for a number of groups of agents and supervisors and at year's end were preparing to introduce a series of new measures to inform employees more fully of their language obligations and to convince them of the importance of serving the public in both languages. This initiative will no doubt help make employees more receptive to the idea and to the right of all passengers to be served in their official language. Employees must be made to understand, however, that the point is to respect that right, not simply to comply with a preference.

On the language of work front, Air Canada paid special attention in 1988 to technical sectors where it is difficult for French to gain a foothold. In the past few months, French job cards have been tested at the Dorval Maintenance base. The committee responsible for evaluating results was to have submitted recommendations to senior management by year's end. Air Canada also appointed a task force to examine and propose ways of increasing the use of French in Flight Operations. One of the committee's objectives is to enable Francophone pilots to become more familiar with French terminology. We shall be very interested to see the results of this initiative.

Much work remains to be done to solve the problem of language of supervision. At the Dorval Maintenance base, where 45% of mechanics are Francophone,

one-third of foremen do not have the necessary language skills to supervise employees in French. In addition, there is no language requirement for supervisory pilot positions.

Apart from highly specialized documents such as aircraft maintenance manuals, work instruments are available in English and French. Efforts were also made in 1988 to encourage the use of both languages in meetings attended by large numbers of employees. Real progress was made in this regard in the Ottawa district.

Financial and administrative services supplied by headquarters are readily provided in the official language of the employee concerned. We have noted weaknesses, however, in services within each of the branches, including Maintenance, where many of the clerks cannot work in French, and Flight Operations, where certain operational units use only English. At year's end, we were still reviewing crew scheduling, where centralization appears to have affected the quality of French-language communications with flight attendants at the Montreal base.

In 1987, 22% of all Air Canada employees, 19.1% of its managers and 14% of its pilots were Francophone. If those levels remained the same in 1988 (for which no data were available at the time of writing), the Corporation will have to make a strong effort to increase the proportion of Francophone managers and pilots.

Air Canada continued its program to implement stricter controls and increase awareness among managers responsible for language policies. Headquarters representatives met with a number of senior managers in 1988 to discuss the latters' language responsibilities. A major program to computerize official languages information was in progress at year's end, with the result that in 1989 the language situation should be monitored more frequently. It remains to be seen whether there will be enough program officers to perform all the duties required under the 1988 Official Languages Act, particularly the handling of complaints.

Of the 150 complaints we received in 1988 (compared to 174 in 1987), 93 concerned Air Canada's ground services, mainly those provided in airports and at sales and reservations offices. In-flight services were the subject of 40 complaints. Thirteen dealt with signage, correspondence and advertising, four with language of work. We received about 40 letters concerning the absence of Air Canada advertising in the Francophone minority press.

Atomic Energy Control Board

Very little has changed at the Atomic Energy Control Board since 1985, when we conducted the follow-up to our audit. The Board continues to provide its clientele with adequate service in both official languages, but has made no

headway in its recruitment of Francophones or in its efforts to promote the use of French at work in the scientific and technical field.

The Board has no difficulty serving its public in the appropriate official language. Its oral and written services are actively offered in English and French by the 95 bilingual employees among its staff of 256 (37.1%). However, the Board should do its best to reduce the percentage of employees (20.8%) who do not meet the language requirements of their positions.

With regard to language of work, the Board appears to have made no progress in the National Capital Region in achieving a more equitable use of French at work in the scientific and technical field, which, in a number of agencies, continues to be exclusively an English-language preserve. By contrast, however, Francophones in areas concerned with personnel and with service to the public have more frequent opportunities to use their first language.

Despite the work of an Advisory Committee on Equitable Participation, established in 1987, the participation rates of both language groups have remained more or less the same over the past three years. Fifty-three of the Board's 256 employees are Francophone (20.7%), and Francophone participation is still particularly low in the Scientific and Professional category (16%) and on the Management Committee (2 of 20).

Lack of progress in this regard is the result of low staff turnover, in turn caused by a reduction in the number of positions to be filled, and the fact that official languages program management lacks concrete objectives: the Board has simply prepared a plan containing statements of principle rather than taking specific action. The Advisory Committee informed Board members that the plan appeared to promote the status quo. It would be a good idea for the Board to redraft the objectives in a more precise form and develop an effective action plan.

We received no complaints against the Board in 1988.

Bank of Canada

The Bank continued to attach considerable importance to official languages in 1988. Several concrete measures affecting the active offer of service, professional training and the availability of technical reports in both languages should enable it to correct weaknesses revealed by our 1987 audit. However, closer attention needs to be paid to the inadequate number of bilingual supervisors in certain departments, a situation which impedes the use of French.

One initiative that should enable the Bank to provide better service to the public was a new training course for receptionists. As a result, employees in the

regional agencies will now be more comfortable in English and French, and thus in a better position to offer services actively in both languages. Generally speaking, service is good in Ottawa and at the nine regional agencies. The Regina and Calgary agencies increased their bilingual capacity as well. The Bank encouraged the two unilingual directors of agencies located in regions where there is significant demand to take language courses. The proportion of bilingual employees is gradually rising and is now 46.7% (1,085 of 2,322), compared to 46% in 1987.

The Bank introduced other welcome measures during its 1988 Canada Savings Bonds sales campaign, using a bond purchase form printed in a bilingual format, which helped prevent the distribution problems encountered in other years. Posters and other advertising for the campaign were designed so that both languages were readily visible. The Bank also reached out equitably to its clientele of both language groups through the minority press.

The Bank's posters and most of its publications are bilingual. It has now taken the first step towards ensuring that more of its technical reports are available in both languages. To date, almost all have appeared in English only. The Bank intends to produce its staff studies and occasional papers in both languages and expects that more of these documents will be drafted in French in 1989.

The Bank also did well in professional training. It offers all its courses in both languages, and the proportion of courses given in French rose from 18% in 1987 to 31% in 1988, a figure that corresponds quite closely to the percentage of Francophones on staff. To encourage Francophones to enrol in courses given in French, the Bank offered them either before or at roughly the same time as their English equivalents.

French is gradually being used more often as a language of work in departments that have sound bilingual capability and a high percentage of bilingual supervisors. Department heads are now required to include language of work objectives in their annual plans. The exchange program under which employees work in their second language in regional agencies continued successfully in 1988, with 11 participants. Although the overall percentage of bilingual supervisors increased from 54% to 58%, the fact that over 40% of supervisors are still unilingual is a major obstacle to more widespread use of French, particularly in Banking Operations, Automation Services, Premises Management and Audit.

In spite of a certain amount of progress, the Comptroller's Department, Automation Services and Premises Management still have difficulty in ensuring that all services offered to the Bank's employees are bilingual. The Bank is depending in large part, and rightly so, on its language training program to correct this weakness. We still feel that bilingualism should be a staffing requirement for a greater number of positions. Imperative staffing was used in a little

over 20% of appointments in 1988. We were also pleased to note that the Bank has furnished a list indicating employee language preferences to all sections providing services to staff.

Overall participation levels remained stable in 1988. Anglophone employees comprised 65% of the Bank's 2,322 employees, Francophones 35%. The Francophone presence in the Operations and Administration category (654 of 1,664, or 39.3%) inflates the overall figures and exceeds the proportion of Francophones in the National Capital Region, where the vast majority of employees in those categories are recruited. In other categories, Francophones are between 23% and 26% of employees. Through steady efforts, the Bank has struck a balance in the Management category: 26% of its managers are Francophone, compared to 22% in 1987.

The official languages program still has the support of senior management. However, the Bank did not consider it necessary to introduce the control and audit mechanisms we recommended in 1988, preferring instead to monitor implementation of its official languages policy through periodic audits by its bilingualism adviser.

We received one complaint against the Bank in 1988, compared to three in 1987. It concerned unilingual French telephone service at the Montreal agency and the situation was quickly corrected.

Canada Mortgage and Housing Corporation

In 1988 the Canada Mortgage and Housing Corporation developed measures which should enable its managers to redress the Corporation's language situation. Although CMHC scored points on language of work, French remains under-used at its National Office. In Quebec, an effort must be made to increase Anglophone participation.

CMHC offers services in both languages at its National Office and at designated bilingual offices. Some offices termed unilingual may, to a degree, also answer inquiries made in the minority official language. However, there are not enough bilingual employees in the regions, except Quebec, to guarantee access to French-language services at all offices. Fifty-five of 135 incumbents (40.7%) of bilingual positions serving the public do not meet the requirements. It should be noted, however, that the situation has improved: that figure is down from 49% in 1987. To solve this problem, the Corporation has emphasized language training and now offers its employees a broad range of second-language courses. It also strives to fill its bilingual positions with candidates who already meet requirements. The Winnipeg regional office has established a Bilingual Services Committee to improve customer service.

CMHC has taken steps to improve the status of French as a language of work. Commonly used manuals are now available in both languages, internal documents are published more frequently in both English and French, and increasingly meetings are held in both languages. To encourage bilingual Anglophone and Francophone employees at the National Office to work in French, senior management has supported the introduction of "French Days", when employees in a designated sector are required to perform their duties mainly in French. However, the high percentage (28.7%) of unilingual Anglophone supervisors occupying bilingual positions at the National Office is a major stumbling block. Internal training and development courses are available on request in both languages, but those given in French do not appear to be very popular, particularly in computer technology, where, except in Quebec, sessions are held in English. The Corporation will have to make a dynamic effort to improve this situation.

In overall terms, 70.4% (1,962) of CMHC's employees are Anglophone and 29.6% (824) are Francophone. The Department has achieved a fairly good balance between the two language groups, particularly since 38.4% of its employees work at the National Office in Ottawa. Ten of 34 executives (29.4%) are Francophone, but only 52 of 268 senior managers (19.4%). Anglophone participation in the lower ranks stands at only 66.6% (1,041 of 1,563). Regionally, there are very few Anglophones in Quebec (11 of 392, or 2.8%).

Official languages program management improved with strong support from senior management and through the integration of language objectives with operational activities. Senior managers are held responsible for program implementation and for achieving corporate goals in their respective areas. CMHC acknowledges that it must improve its control mechanisms, particularly with regard to language of work, if it is to attain its objectives. The official languages program is now evaluated through internal operational audits. The terms of reference are incomplete, however, and do not enable auditors to cover all aspects of the program. It is no doubt for that reason that none of the 1988 internal audit reports contains recommendations about official languages. It was simply stated that policies had been complied with.

We received 11 complaints against CMHC in 1988, compared to 15 in 1987. All concerned service to the public. Three focused on unilingual correspondence sent to a newspaper, four on the Corporation's failure to advertise in a minority language newspaper, one on a form issued in English only, two more on unilingual English telephone service, and the last on the poor quality of the French on an indicator board.

Canada Ports Corporation

The Canada Ports Corporation continued to do well in implementing the official languages program, despite certain constraints caused by staff cutbacks. Its port

facilities provide high quality service in both official languages. English and French generally have equal status as languages of work at head office, and the participation of Anglophones and Francophones reflects their presence in the regions served.

The Corporation actively offers bilingual service to its clientele and has hired the necessary bilingual resources to do so effectively. Seventy per cent of head office employees are bilingual. Ports under the Corporation's authority have adequate bilingual capability with the exception of Churchill, Manitoba, where, as a result of very low demand for service in French, bilingual communication with clients is provided from Ottawa.

Head office employees are generally able to work in their preferred official language and managers encourage the use of both languages at work. Supervisors are bilingual enough to prepare performance appraisals in the language of the employee's choice. Work instruments are available in English and French, and both languages are commonly used at meetings.

Of the Corporation's 195 employees, 131 (67.2%) are Anglophone; 64 (32.8%), Francophone. Given their presence in the regions served — Sept-Îles, Chicoutimi, Trois-Rivières, Prescott and Churchill — participation by the two language groups appears adequate. However, only five of the 12 senior managers are Anglophone, the explanation being that the majority of positions are located in the unilingual regions of Quebec.

Official languages program objectives form an integral part of management's operational plans and are reviewed by the President and Board of Directors. Managers are kept informed of those objectives, and senior executives are held accountable to the President for achieving them.

We received no complaints against the Corporation in 1988.

Ports Canada also has authority over a number of independent ports which are not managed by head office. We visited three this year — Montreal, Quebec City and Halifax.

Montreal Port Corporation
The Port of Montreal appears to have no difficulty serving its clients in both languages. The language of work is exclusively French, and 7% of employees are Anglophone.

We received one complaint, which has not yet been resolved, concerning signage at the Port.

Quebec Port Corporation
The Port of Quebec also offers services in both languages and French is the language of work. Three of the 65 employees are Anglophone.

Halifax Port Corporation

The Port of Halifax provides service in English only, even though some of its clients (for instance, those from St. Pierre and Miquelon) speak only French. The Port will have to acquire bilingual capacity if it is to guarantee the safety of unilingual French-speaking crews. All employees are Anglophone and so work exclusively in English.

We received one complaint, which has been resolved, concerning advertising in the minority official language press.

Canada Post Corporation*

Canada Post Corporation's efforts to improve its official languages performance met with some success in 1988. The number of complaints about counter service was lower, thanks in part to improvements in the identification of bilingual service points put in place in response to complaints over the previous two years. The lack of bilingual capacity among supervisors is still the prime obstacle to employees being able to work in their preferred official language, and constraints on staffing impeded progress towards better balanced participation.

In 1987 we expressed concern about the provisions of Canada Post's collective agreement with its inside workers, which placed employee seniority ahead of all other considerations, including bilingual capacity, even in staffing designated bilingual counter service positions. The new contract, arrived at following binding arbitration in 1988, provided some relief for customers in certain centres which had seen bilingual capacity in post offices come and go. Employees with seniority who transfer to more desirable positions are now obliged to stay in the new position for one year. This should ensure a minimum of continuity in bilingual service even if up to half that period may still be spent in language training, as the contract allows. A unilingual employee occupying a position at the time of its being designated bilingual is now required to become bilingual within a reasonable time, failing which the employee may be moved to a non-bilingual position. The hoped-for clause which would have enabled Canada Post to replace that individual with a counter clerk who met the language requirements did not survive arbitration, so the ability of staff to serve customers in their official language of choice is still a problem for which the Corporation continues to seek solutions. The major difficulties detailed last year regarding the lack of service in French in Dieppe, New Brunswick, and Kingston, Ontario, seem now to have been resolved, but the focus has shifted to a post office in Edmonton that has been the subject of 13 complaints over 18 months.

We hold the view that in all provincial and territorial capitals the main post office should have bilingual capacity. In 1988 a breakthrough was achieved in Yellowknife, but in Regina French-language service may still only be obtained from retail postal outlets located in private businesses.

The collective agreement applies only to post offices operated directly by the Corporation; increasingly Canada Post is dealing with its customers through retail postal outlets. In areas where Canada Post has identified a significant demand for service in both official languages, the Corporation has the operator of the franchise sign a formal agreement to provide bilingual service at all times. If we rely on complaints as an indicator, the incidence of failure by these operators to meet the terms of the language clauses has been low.

In 1988 a program was introduced to give customers greater flexibility in picking up registered mail and parcels that could not be delivered. Customers now receive notice to collect their items at retail postal outlets which have longer hours than regular post offices and often are more conveniently located. Unfortunately, in some cases customers are obliged to call for their mail at locations where service in their language is not usually in demand, and consequently not available. In Winnipeg, a customer unable to pick up registered mail in French at a pharmacy asked that it be returned to a post office where bilingual service was available. The complainant was informed that this would be contrary to the Corporation's policy and, before Canada Post would relent, the letter in question was returned to the sender — in this case, Revenue Canada. Canada Post has assured us that in all such cases language requirements will be included when franchise contracts are renegotiated, but this may not be enough to avoid further complaints.

Mini-surveys of private postal outlets in Ottawa and Montreal were slightly more encouraging. All 11 locations visited in Ottawa were able to provide service in both languages, although in two, service in French was provided only after a brief delay. In Montreal we visited 29 postal outlets located in private businesses. All but four could provide bilingual service; these four were in predominantly Anglophone areas and it was service in French that was lacking.

The large volume of complaints against Canada Post does not always result from difficult systemic problems of the kind detailed above. For years the Corporation's plans have included objectives to bilingualize official markings on mail. Thousands of rubber stamps are used across the country. It seems that all the bilingual ones used in Quebec give precedence to English, and some are even in English only. This is predictably offensive to many customers.

A second area of continuing customer aggravation is the question of active offer of bilingual service. The use of internal signs indicating the availability of bilingual service has improved markedly, but for some reason even Francophone counter clerks feel obliged to invite customers to come up to the counter in English only. Visits confirmed our complainants' accounts. While Canada Post has repeatedly told us that counter staff have been reminded of their language obligations, stronger reminders are apparently necessary in corporate post offices and even more so in retail outlets, where new customers may not know that bilingual service is available.

Despite the Corporation's firm commitment to the objective of a bilingual work place, outside Quebec English is the language of work for nearly everyone. The problem of unilingual supervisors at Canada Post has been recognized in the Corporate Official Languages Plan. In 1988 only 797 of 1,071 supervisors (74.4%) met the requirements of their positions. The situation is most severe at Head Office, where 178 of 415 (42.9%) did not meet the requirements, and in northern and eastern Ontario, including the Ontario and Quebec parts of the National Capital Region, where 77 of 187 supervisors (41.2%) were not linguistically qualified. The Corporation has adopted a policy stipulating that appointees to virtually all bilingual positions not subject to collective agreements should be bilingual at the time of appointment. Since this includes many supervisory and management personnel, improvement should occur. As well, supervisory personnel should be given priority for language training.

Two useful steps were taken in the informatics field. Canada Post surpassed its established target of converting half of Corporate computer documentation, software and manuals to a bilingual format, and two bilingual terminological guides were published in 1988, one in book form and one in loose-leaf format.

The Corporation's goal is to reach an employee balance in each of its regions that reflects the official languages population of the region as a whole. Nationally, Canada Post reported 64,701 employees in 1988, of whom 47,931 (74.1%) identified themselves as Anglophone and 16,770 (25.9%) as Francophone. Its Head Office has a higher percentage of Francophones (829 of 2,629, or 31.5%), but only there and in the Rideau Division (northern and eastern Ontario and the National Capital Region) do participation rates approximate those of the region. Francophones in the Atlantic region still number only 5.2%, far below Canada Post's target, based on the 1981 census, of 12.5%. Disparities in other regions were even greater. Anglophone employees in Montreal form only 2.1% of the total, although the target is 16.2%. In Toronto, Francophones make up a not-so-grand total of 19 of 12,670, less than 0.2%. These figures are little different from those reported in 1987 and a significant change is unlikely as overall staffing levels continue to fall. A positive note is that the long-awaited and vitally necessary new personnel data base now coming on stream will provide a better basis for decision making.

The management of the official languages program shows signs of wanting to come to grips with the issues that have dogged the Corporation for years. Under the direction of the Official Languages Steering Committee, managerial accountability has increased and program objectives are now included in all internal audit cycles. Managers have been instructed to appraise the official languages performances of their subordinates and a new appraisal form has been designed.

Complaints handling became bogged down in mid-1988 as the legal ramifications of the 1988 Official Languages Act and of the franchising program were

reviewed by Canada Post's legal advisers, but by year's end turnaround time had improved.

Of the 252 complaints lodged in 1988, 14 were refused upon receipt and 11 were dropped after preliminary investigation showed there had been no infraction of the Act. Of the 238 investigated (205 in 1987), 223 concerned service to the public, 11 dealt with language of work and four were about aspects of the management of the official languages program. Complaints about counter service fell to 78 from 95 in 1987, but there were over 100 complaints about visual communications and official markings on mail. In 1988 we received excellent cooperation from Canada Post during complaints investigations.

Canadian Broadcasting Corporation

Thanks largely to staff sensitivity to minority language rights, the Canadian Broadcasting Corporation generally serves its public well in both official languages. Nevertheless, for over two years now its official languages program has done little but consolidate its past achievements, although we were able in 1988 to obtain statistics previously unavailable. As to language of work, we have noted some progress. Anglophone-Francophone participation has remained more or less balanced.

Despite what it considers inadequate resources, the CBC decided to continue increasing Canadian content in English-language television programming, while allocating more funds for drama and news on the French network. Mention should be made of the Corporation's commendable use of bilingual reporters who are able to meet the journalistic requirements of both networks. The CBC also made an effort to reach out to more Francophones outside Quebec. For instance, a series of television programs for young viewers is being shown two hours earlier in the morning, and pilots for short programs are now aired by regional radio stations. However, there was no expansion of technical resources to enable this minority to receive CBC broadcasts. Indeed, there were complaints about the poor quality of radio and television reception in some regions.

As to bilingual reception services in CBC regional offices, active offer is still sometimes a problem, despite past measures to improve the situation. Telephone service is still unilingual in Vancouver, Toronto and Charlottetown.

A number of language of work initiatives are worthy of mention. The Corporation published a French guide for news writers and established a French radio and television production training program for program hosts and technicians. It also assigned some 20 officers to monitor language quality across the country. The Corporation and the Association de la presse francophone hors Québec established a committee to study the professional development needs of Francophone journalists outside Quebec. Finally, a number of computer

programs are now available in French and training in these programs is given in both languages.

We have noted a decline from 1987 in the use of French as a language of work at headquarters in Ottawa, at the Ottawa Zone office and at the Engineering Division in Montreal. Staff meetings are now often held in English at these locations. The performance evaluations of some employees are not always prepared in their preferred official language because supervisors are unilingual. The Corporation has yet to determine which supervisors would benefit from language training.

Participation by the two language groups remained stable. In February 1988 Anglophones were 59.4% (6,621 employees) of the CBC's total staff and Francophones 40.6% (4,530). The English and French networks are staffed 98% by Anglophones and Francophones respectively. Considering the Corporation's mandate, both language groups are fairly well balanced at headquarters (68% Anglophone, 32% Francophone). The number of Francophone managers in the Engineering Division increased to 33% in 1988 (77 of 233) from 31.7% in 1987. This is certainly a step in the right direction, especially considering that nearly half the employees of the Division work in Montreal.

In 1988 the Corporation was too preoccupied with its budget cutbacks to make more than a few changes to official languages program management. It did remodel the presentation of its language policy and informed employees of this policy in early November. Program objectives, on the other hand, were only partly integrated into operational plans. Responsibility for official languages has changed hands a number of times in recent years and has now fallen to the National Training and Development Department, which has assigned three persons to the task on a part-time basis. As noted in 1987, we doubt that the program's human resources are adequate.

We received 19 complaints against the CBC in 1988, compared to nine in 1987. Sixteen concerned language of service and three dealt with language of work.

Canadian International Development Agency

Since our last evaluation in Annual Report 1985, the Canadian International Development Agency has, generally speaking, continued to perform well in official language matters. With its solid bilingual capacity, the Agency is in a position to provide service in both languages without difficulty, and the language of work situation remains satisfactory despite a few snags. Anglophone participation continues to decline, particularly among support staff, and there is no reason to expect an appreciable improvement in the future, especially given the inadequate number of Anglophones appointed in 1988.

The Agency actively offers its services in both languages. Signage and telephone service are completely bilingual. CIDA has sound bilingual capability: 82.7% of its employees (988 of 1,195) occupy bilingual positions, half of which require superior second-language skills. Nearly 90% of the incumbents of those positions meet the requirements. Although CIDA's publications are bilingual, some post reports prepared for cooperants going on assignment are not. The Agency should review this matter.

The number of supervisors who meet the language requirements of their positions (282 of 321) helps promote the use of both official languages at work. However, 30 supervisory positions still require only elementary second-language skills, insufficient to supervise staff adequately in both languages. One complaint filed last year by an Anglophone employee who found it difficult to work in English brought to light some continuing problems in language of work at CIDA, which should continue to be vigilant in this regard. Each language is solidly implanted in certain sectors. For example, English is commonly used in the Asia and Anglophone Africa branches, French in the Francophone Africa branch.

The situation regarding Anglophone-Francophone participation has deteriorated since 1985. The percentage of Anglophone employees has fallen from 46.5% to 43.0%. Anglophone participation is particularly weak in the Administrative Support category, 29% in 1988 compared to 35.5% in 1985. The Agency appointed 190 employees this year, only 49 of whom (25.8%) were Anglophone. In the Administrative Support category, the figure was only 13.7% (13 of 95). CIDA should take the necessary steps as soon as possible to correct this increasingly unacceptable situation. Considering its mandate and its activities with international organizations and Commonwealth and Francophone countries, it is not surprising that the proportion of Francophones on CIDA's staff exceeds national percentages. Current figures, however, deviate too far from this standard.

Senior management continues to attach importance to official languages, and is supported in language matters by a team of four employees assigned to program management. These employees ensure active promotion and effective control.

We received one complaint against the Agency in 1988, concerning an English document sent to a Francophone correspondent. The mistake was promptly corrected.

Canadian National

In 1988 Canadian National continued reducing its staff, which now comprises 39,826 employees, and sold its Canadian hotels to a subsidiary of Canadian Pacific Ltd. The Corporation continued to implement the objectives of its official

languages program, but failed to correct the language of work weaknesses we have underscored in the past few years. CN's official languages policy does not enable its employees to work in French in all its facilities in New Brunswick: French is authorized only for matters that affect employees on a personal level.

CN continued its solid record for written and oral communications with the general public and with its customers, mainly corporate bodies. Last year, the Corporation introduced a toll-free line at its Moncton Customer Services Centre to provide service in French to all parts of the Atlantic Region. In 1988 the Corporation once again conducted a survey of its some 23,000 customers on the quality of its services. Only 89 said they were not receiving services in the official language of their choice. CN officers subsequently visited these customers and took appropriate corrective action.

The degree of bilingualism at the CN Tower in Toronto declined slightly. However, CN hired 116 trainees for the summer, 53 of whom (45.7%) were bilingual, and its lessees hired 49, 18 of whom (36.7%) spoke both languages. Active offer of service consisted only in posting notices to the effect that services were available in both official languages. CN recently informed us, however, that bilingual employees in contact with visitors now wear tags indicating they speak English and French.

As in the past, in 1988 CN ensured that work instruments were bilingual and that its internal training programs and central and personnel services were provided in both languages. At head office in Montreal, however, French still does not enjoy a status comparable to English as a language of work.

The Corporation has yet to amend its policy and practices which deny Francophones in its offices in New Brunswick the right to work in French. French is permitted only in dealings of a personal nature (competitions, promotions, pay and fringe benefits). The 1988 Official Languages Act requires CN to correct these unacceptable shortcomings. CN still has no data on the overall distribution of Anglophones and Francophones in its ranks. Although Francophone participation at head office rose 3.9% to 34.5%, it is still too low for an organization whose head office is in Montreal. In addition, the number of Francophones in the most senior head office positions continues to decline: it now stands at only 22 of 113 (19.5%) senior employees.

In the Atlantic Region, participation by Francophones rose slightly to 32.3%, whereas that of Anglophones in the St. Lawrence Region declined by 0.8% to 17.2%.

We received 19 complaints against CN in 1988, compared to 24 in 1987. Of that number, seven concerned signage; five, service to the public; five, work instruments; one, internal training courses; and one, lack of advertising in minority

newspapers. On the whole, despite a certain administrative sluggishness, the Company's co-operation in handling complaints was acceptable.

Canadian Security Intelligence Service

For the Canadian Security Intelligence Service, 1988 was a quieter year on the official languages front. Major progress was made in areas where service had previously been deemed weak, particularly security checks and the bilingual capacity of supervisors. The Service also adopted a very detailed and specific language of work and communications policy. However, the percentage of Francophone senior managers declined, a factor that did not help increase the use of French at headquarters.

To expand its bilingual capacity, the Service made great efforts to provide language training. As a result, 430 employees took language courses during the year, twice as many as in 1987. The Service should now be able to reduce the percentage of incumbents of bilingual positions (25%) who do not meet their language requirements.

The situation regarding security checks is gradually improving. The Service again reminded investigators, in writing, of the importance of offering the persons they question the choice of using English or French during interviews, and of respecting that choice. At the Ottawa regional office, which is responsible for many investigations, the percentage of bilingual investigators rose from 33% in 1987 to 42% in 1988. New employees in this sector are required to have at least intermediate level second-language skills. When required, CSIS offers language courses to help them to achieve the superior level.

The 12 candidates recruited by the Service this year had at least intermediate second-language skills. CSIS also decided to maintain this requirement for all future recruits.

One of the Service's major achievements was the adoption of a policy on language of work and communications. The policy makes it clear that managers are responsible for its implementation, and restates the procedures for communications between headquarters and the regions. Those procedures appear to be followed insofar as the Quebec region is concerned, since complaints about such communications are rare. According to the internal language of work policy, telexes containing operational instructions for personnel are now considered work instruments.

As a result of efforts to provide language courses, particularly for supervisors and managers, the percentage of headquarters managers who met the language requirements of their positions rose from 62% to nearly 75% in 1988. On another positive note, the Service decided to require superior second-language

skills for all bilingual positions in the Management category starting in 1992. Despite these measures, however, major weaknesses persist. Since a number of managers have inadequate second-language skills, and French is little used in the security sector, Francophone officers are still often obliged to draft documents in English and to attend meetings conducted in that language alone. For example, matters pertaining to applications for warrants from the Federal Court are handled mainly in English, and performance appraisals for Francophones are in many instances still drafted in English.

CSIS conducted a study at its Ottawa regional office to determine why French is so little used there. The plan which resulted from the study anticipates that the office will operate in both languages within three years as a result, among other things, of a major language training program that will affect nearly 75 employees in 1989.

Internal services are generally provided in both languages. The Service made good on its commitment to offer all training courses in both languages, and we were pleased to note that Francophones did not hesitate to enroll in courses given in French. For the first time, basic training was offered to new employees in both languages.

Overall participation of both language groups is fairly well balanced: 76% of employees are Anglophone, 24% Francophone (a 4% decline for the latter compared to 1987). The percentage of Francophone managers declined from 23% to 18% in 1988. These reductions may be attributed in part to the fact that a large number of Francophones in Quebec and at headquarters decided to take early retirement. Participation is relatively balanced in other occupational categories except that Francophones comprise only 6% of the Professional category.

The Service has an excessive number of Anglophone employees in Quebec (28%), and Francophone participation is inadequate at the Ottawa regional office (19%), which also serves western Quebec.

As regards program management, the Service adopted a policy providing for the transfer of all employees who are still unable to meet the language requirements of their positions two years after conditional appointment. This is a major step. Unfortunately, CSIS did little to make its senior managers accountable for implementation of the Official Languages Act. Administrative units have yet to set specific objectives, and the Service takes no account of managers' achievements in this area when assessing their overall performance. It took a step in the right direction late in the year by requiring separate action plans for each organizational unit.

We received 11 complaints against the Service in 1988, considerably fewer than the 63 we recorded in 1987. Four concerned the language requirements of positions, and two others dealt with meetings conducted in English only, even though

they were attended by a large number of Francophones. The matter of unilingual English telexes sent to Quebec was the subject of only two complaints.

Communications

The official languages program of the Department of Communications is in reasonably good shape. The Department noted our 1987 observations concerning the active offer of service and took corrective action. Problems persist, however, in language of work and in equitable participation by the two official language groups.

The Department provides good services in both languages. Communications has 994 employees in bilingual positions to ensure service to the public. Almost all of these positions have intermediate or superior second-language requirements and 789 incumbents (79.4%) meet the requirements. The Government Telecommunications Agency, the focus of complaints in the past over the quality of government entries in telephone directories, is now attempting to establish a control system to prevent this kind of error.

In theory, departmental employees may work in the language of their choice in designated regions, but difficulties persist, particularly in the scientific and technical field. The research sector, for example, where 32.6% of employees are Francophone, appears unable to ensure that French is used equitably at work. The Department should perhaps make the work place more conducive to the use of both languages by promoting a higher degree of bilingualism among Anglophone research staff.

Managers are regularly informed of their language obligations. However, only 74.6% of 496 supervisors occupying bilingual positions meet the requirements of their positions, compared to 80.7% in 1987. Numbers declined because the language requirements of some positions were raised; 207 required superior second-language proficiency in 1988, 131 in 1987. It is therefore essential that the Department give supervisors greater opportunities to improve their second-language skills.

To overcome obstacles to the use of the second language at work, the Department has a feedback system to encourage its employees to report all irregular situations. Some 20 cases were filed in 1988, which the Department tried to resolve in co-operation with managers.

In overall terms, Francophone participation is too high (34.1% of 2,398 employees), partly as a result of the large number in the Administrative Support (299 employees, or 47.2%) and Administrative and Foreign Service (266 employees, or 40.7%) categories. Overall, Francophone participation in the Scientific and Professional category rose from 21.6% in 1987 to a reasonable

24.7%. Anglophone participation in Quebec is still low, however, even though it has doubled since 1987 from 2% to 4%.

The official languages program seems well managed. Departmental managers develop their objectives with the assistance of the Official Languages Division, which in turn follows up and monitors implementation. A quarterly report on the Department's language composition is submitted to senior management, and the Official Languages Division has reached agreement with Internal Audit to include official languages matters in its audits. The Division also helped develop the internal audit questionnaire.

We received 14 complaints against the Department in 1988, compared to eight in 1987. All concerned various aspects of language of service.

Comptroller General

The official languages situation at the Office of the Comptroller General still leaves something to be desired. Although the Office has maintained its good bilingual capacity and consolidated its practices concerning communications with other departments, problems of low Francophone participation in senior management and inadequate use of French in the work place remain acute. Senior management appears determined, however, to take corrective action. A new plan containing specific objectives was adopted and a senior committee was appointed to oversee its implementation.

The Office has a relatively large number of bilingual employees (nearly 60% of total staff) and is generally able to serve its main clientele of departments and agencies in both official languages. Its policy clearly recognizes federal departments as members of the public it serves. The Office's efforts to offer more program evaluation courses in French have yielded good results. This year the Office gave an equal number of courses in each language, and a new introductory course on program evaluation was developed and presented in French. The Office also instituted a French-language bibliographic research project on program evaluation. The Office also promised to follow up on our recommendation that it use more French in workshops and presentations organized for employees of other departments. Through these initiatives, the Office has, in our view, shown that it is making an effort to exercise its leadership role in the development of French-language activities related to management.

The Office's performance in language of work, however, was not up to the same standard. A survey conducted in late 1987 showed that French is being used less and less as the years go by. In 1983 Francophones worked in French 40% of the time, a figure that fell to 24% in 1987; between 80% and 85% of English speakers used their own language at work. The survey also revealed that Francophones used French less than 20% of the time in drafting documents and

at meetings. It is not surprising that nearly half the Office's Francophone employees and 40% of Anglophones wish French were used more often in the work place.

The Office began to correct these weaknesses in 1988. Francophone employees are actively encouraged to use their language at the Comptroller General's weekly meetings. The number of Francophones on the Management Committee rose this year to four (compared to six Anglophones), and French is used more frequently at this Committee's meetings. There was also an increase in the percentage of French-language documents presented to the Committee. Similar efforts should be made more generally throughout the Office to correct the serious imbalance revealed by survey results.

The Office should also take strong steps to remedy low Francophone participation in the Management category, which influences the status of each of the languages in the work place. Of 51 senior managers, only seven are Francophone (13.7%; 13.1% in 1987). As a result of a re-organization there were seven fewer managers than in 1987 and the Office was left with little room to manoeuvre. It should nevertheless make every effort to correct the situation when positions do become vacant. A satisfactory balance has been struck in overall employee participation: 75% of staff are Anglophone, 25% Francophone.

The Office improved its official languages program management this year. It developed a new language plan, reviewed the principles governing its communications with departments and established a senior committee to oversee implementation of the plan.

For the second year in a row, we received no complaints against the Office.

Consumer and Corporate Affairs

Initiatives taken by the Department of Consumer and Corporate Affairs in 1988 demonstrated management's intention to advance language reform. Although the Department generally provides service in both official languages, French is still under-used as a language of work. As to participation, progress is still required in certain occupational categories and in the regions.

Bilingual services are provided spontaneously at headquarters, except in the Bureau of Competition Policy, whose bilingual capacity is not up to par. Together with the Public Service Commission, the Department developed a language training project to increase the number of bilingual employees in this sector. Telephones are answered in English only in some of the Department's district offices, particularly in the Atlantic and Prairie regions and in certain districts of the Ontario region. As a result, the Department's Francophone clientele in those areas is under the impression it cannot obtain service in French even

where, in principle, bilingual services are available. The Department has developed a training course in French for receptionists, which will begin in the Atlantic region in 1989.

On the language of work front, French is still not used at headquarters as it should be. Approximately 80% of bilingual supervisory positions require only intermediate second-language skills. In our view, more of these positions should require the superior level of proficiency. In the bilingual regions as a whole, however, 42% of the Department's supervisors have that level in at least one of the three skill areas. The Department is trying to increase supervisors' awareness of language matters by asking them to respect commitments it has made in that regard and set out in a document entitled "Language Reform Implementation Strategy within CCAC". The Department reviewed a number of its service contracts with private businesses and observed that they contained no language clause. Starting in early 1989, management intends to include in such contracts a clause requiring businesses to have adequate bilingual resources to communicate in the official language of departmental employees. Contractors will also be required to produce reports in both languages when necessary.

Even though two-thirds of departmental staff work in the National Capital Region, overall Francophone participation, at 37.6%, is too high. The number of Anglophone employees is inadequate in the Administrative Support (49.5%) and Administrative and Foreign Service (61.4%) categories. On the other hand, there are too few Francophone employees in the Management category (18.6%). Over the years, we have observed that the Department has attempted to recruit more Francophones for the Scientific and Technical category. As a result, the percentage in that category has risen from 16% in 1982 to 22.2% in 1988. In Quebec, Anglophones are only 5.2% of staff, a figure far below their percentage of the regional population.

The Department attaches importance to official languages matters and manages its program effectively. The Management Committee sets specific objectives for managers, who are evaluated annually on their language performance. Objectives are integrated into management's operational plans.

We received six complaints against Consumer and Corporate Affairs in 1988, compared to 12 in 1987. All concerned language of service. The Department cooperated readily in the handling of these complaints, all of which were resolved.

Correctional Service*

In 1988 the Correctional Service continued the efforts undertaken in 1987 to correct its official languages situation. Some of the organization's problems are serious, however, and results are slow in coming. In a number of facilities, minority language inmates are still a long way from obtaining all essential services in the official language of their choice. French is not yet used to the degree it should be

as a language of work at headquarters or in New Brunswick. Low Anglophone participation in Quebec remains a major problem. We hope that the Service's new management team, having shown its interest in the official languages program, will quickly offer solid support to those responsible for running it.

There are major weaknesses in the delivery of health care services to minority language inmates in all regions except Quebec. Ontario, for example, has only two physicians and one psychiatrist who can speak French. As a temporary solution, the region has come to an agreement with two hospitals that provide such services in French. The Dorchester and Renous facilities in New Brunswick were still without a bilingual physician at year's end and had begun interviewing candidates in the hope of overcoming this weakness. The Service has encountered considerable difficulty in recruiting medical staff who can practise in both official languages, particularly since there are few physicians, psychiatrists and psychologists outside the major urban centres. The Service is therefore considering establishing a scholarship program for Francophone medical students outside Quebec under which recipients will agree to work for it for a number of years after graduation. This is a sound initiative which we encourage the Service to pursue actively. The national campaign launched in late 1987 to recruit bilingual nursing staff did not achieve the results expected, except in the Atlantic regions, where eight were hired. Even where services are available in English and French, both in Quebec and elsewhere, they are rarely offered actively to inmates. As a consequence, minority official language inmates who have a minimum knowledge of the majority official language tend to identify themselves as bilingual and do not ask for services in their preferred language.

In many instances, officials are unable, within a reasonable time, to provide minority inmates with copies of personal reports which they have a right to receive in their language. The situation is particularly unacceptable when these inmates, so as not to delay parole hearings, are constrained to indicate in writing that they are ready to accept an oral explanation by their case management officers. The Service realizes that this is a serious problem and is trying to find an acceptable solution.

Of the institution's 10,220 employees, 1,826 occupy bilingual positions, and 86.5% of them meet the requirements. In other words, 1,579 employees are bilingual, 15.5% of total staff, the same percentage as in 1987. Bilingual capacity is generally adequate in the Atlantic region, where it rose from 21.4% to 24.5% this year. It stands at 25.8% in Quebec, and is increasing progressively in other regions. The percentage of bilingual employees went up slightly in the Prairies from 5.1% to 6.9% and has more than doubled in the Pacific region to 8%, compared to 3.4% in 1987. In Ontario, the figure stands at 12.2%, compared to 10.6% last year.

Staff in the National Capital Region and New Brunswick are the only employees who can work more or less regularly in both official languages. In the other

bilingual regions, minority language employees are unable to use their preferred language at work because there are so few of them. French is still little used even at headquarters, except in certain sectors. The new Management Committee has set an example by using both languages at its meetings. Despite advances made in the use of French in New Brunswick in recent years, the fact that certain key employees are unilingual puts a damper on further progress. The inability of some health professionals to read French, for example, prevents Francophone nursing staff from writing up medical charts in their language. Personnel services, on the other hand, are available in the employee's preferred language.

Participation figures have changed very little. Only 67% of total strength is Anglophone. This imbalance may be explained to a large extent by the fact that little more than 1% of the institution's 3,000 employees in Quebec are Anglophone. However, management there is active on an inter-departmental committee which, in response to the Commissioner's special report to the Governor in Council, was set up to improve Anglophone participation. The percentage of Francophone employees in Ontario rose from 1.4% in 1987 to 3.8% this year, but is still lower than the Francophone presence (5.3%) in the province as a whole.

The proportion of Francophone employees on staff in the Atlantic region rose from 16% in 1987 to 19% in 1988. Francophones are in general present in equitable numbers in the various occupational categories. It should be noted that a steady effort has been made to achieve equitable participation in this region.

Although official languages program management has improved in overall terms in the past two years, virtually the same resources were allocated to monitoring implementation in 1988 as in 1987. About 10 employees run the program for the entire Service, an entirely inadequate number given the scope of the work that remains to be done and the decentralized structure. The Service is aware of its language problem, however, and will submit a draft memorandum of understanding to Treasury Board in early 1989, setting out its commitment to take appropriate corrective action.

Of the 17 complaints we received this year against the Correctional Service (19 in 1987), 11 dealt with service to the public, of which eight concerned service to inmates speaking the minority language. Four complaints dealt with language of work and the two others concerned the linguistic identification of positions in Alberta. Many of these complaints were still under study at year's end, since they required in-depth investigations.

Employment and Immigration

On the whole the Canada Employment and Immigration Commission maintained its solid performance in 1988, but we received more complaints than in 1987

about the lack of services in English in Quebec, where the Commission began taking stronger measures to correct Anglophone under-representation. The small proportion of Anglophone staff in Quebec, and in certain occupational categories, is the reason for their inadequate numbers in the Commission as a whole. CEIC continued its dynamic approach to official languages program administration and was one of the first organizations to sign a memorandum of understanding, a well-drafted one at that, with Treasury Board.

Generally speaking, the Commission offers its clients service in both languages, although not always spontaneously. Such is the case in a number of places, including Quebec, where reception services are provided solely in French in certain offices in regions where there is a significant demand for service in English. The Commission meets regularly with minority language groups from all provinces and held some 100 such meetings in 1988. This year, 28 unemployment insurance telephone information centres were established across the country; all provide bilingual service. We have noted that the Commission acted on our request and promised in its memorandum of understanding to require superior second-language proficiency in more positions, particularly those of employment counsellors.

Of the Commission's 25,068 employees, 5,936 (23.7%) occupy bilingual positions, and 5,327 of them (89.7%) have the required level of language skills, intermediate in most instances. The percentage is lower in a number of provinces, particularly in Alberta, where 21 of 88 incumbents (23.9%) of bilingual positions do not meet the requirements. In Prince Edward Island, the Commission has only six bilingual employees among 219 (2.7%), a number we feel is inadequate to meet the requirements of the province's Francophone minority, which comprises 4.1% of the total population.

For the past two years the Commission has used a computerized job card system in its employment centres. The problem is that the computer translations produced are often inaccurate. In 1987 the Commission assured us that the system was updated from time to time to prevent repetition of faulty translations. Unfortunately, the same incongruities found again in 1988 cast some doubt on the effectiveness of the Commission's review procedures.

The Commission was successful, particularly in bilingual regions, in creating an environment in which employees can work in their preferred official language. Central, personnel and audit services have good bilingual capability, and so provide their services in both languages. Nearly 90% of supervisors are bilingual, more or less the same as in 1987. Only 7.9% of that group, however, have superior second-language proficiency. On a more positive note, the Commission required knowledge of both languages as a basic qualification for about 50 of the 129 supervisory positions filled during the year for language of work purposes in bilingual regions. It also took an innovative step in its language training by first

offering a number of its courses in French rather than English, an initiative that encouraged more Francophone employees to take courses in their own language.

Overall participation by both language groups remained at roughly the same levels as in 1987. Anglophone employees make up 65.3% of total staff and Francophones 34.7%, which in our view is too high. Anglophone participation is particularly low in the Administrative Support category (63.7% of 11,904 employees).

Francophone participation is quite adequate in all provinces where Anglophones are in the majority. In Quebec, however, only 164 of 5,884 employees are Anglophone, less than 3% of total staff. Based on the Commissioner's report to the Governor in Council, the Executive Director for Quebec has set specific objectives for senior managers concerning Anglophone participation in the Public Service in Quebec. The Commission also developed closer relations with minority associations and educational institutions with a view to attracting more candidates for positions. It began revising staffing procedures and language requirements for Quebec positions so as to ensure that there are no systemic barriers preventing the hiring of Anglophones. These are timely initiatives: the number of new employees through the first nine months of 1988 again demonstrated the need for concrete action. Although the Commission currently recruits few full-time employees in Quebec (a tendency that scarcely helps it to change the present situation), it nevertheless hires a significant number for specific terms, some of whom eventually become permanent employees. However, less than 3% of the 650 persons hired on a term basis in Quebec in 1988 were Anglophone. CEIC's 6,000 Quebec employees represent nearly 20% of Public Service employees in that province. Consequently, total Anglophone participation cannot be increased until the Commission improves its own situation.

The Commission continued to manage its official languages program effectively and signed a memorandum of understanding with Treasury Board concerning various aspects of its program. The Commission also set objectives to bring about increases in the number of positions requiring superior second-language knowledge, regular audits of minority client satisfaction, improvements in the active offer of service in both languages, the introduction of a system to gauge actual demand for service in the minority language and a follow-up for employees who have received language training. The only fly in the ointment is the inadequate number of employees assigned to official languages both at headquarters and in the regions; the number of official languages employees fell from 24 in 1982 to 18 in 1988. The Commission cannot continue reducing staff in this area without hindering the program's operation.

We received 114 complaints against the Commission this year, compared to 137 in 1987. As in the past, most concerned service to the public at employment centres, job creation offices and student employment centres. For the first time, the

Quebec region was the subject of the largest number of complaints, 39, as the number of Anglophones finding it difficult to obtain service in English rose appreciably.

The complaints we received concerning language of work, particularly the Commission's planning program, were of more than passing interest. In one instance, the French version of a survey questionnaire sent to program employees across the country was of such poor quality that it had to be withdrawn and returned to translation. As a result, a number of Francophone employees, not knowing whether or when a new French questionnaire would be issued, used the English version. In another case, Francophones in northern and eastern Ontario had to wait until the end of September to receive a French-language training course for a program that had been in effect since July 1; the relevant documents were unavailable in French. The course had been offered to Anglophone employees in June, before the program was introduced.

Energy, Mines and Resources

The Department of Energy, Mines and Resources again made progress in 1988 towards achieving equitable participation by the two official language groups, particularly in the Management category. However, there was very little improvement in language of work and official languages program administration. No real advance was made in providing bilingual service to the public, despite the effort made in that area.

The Department, which finds it difficult to provide adequate bilingual service in some parts of the country, took some sound steps to correct this weakness. It introduced a toll-free telephone number to enable official language minorities to get information in regions where the Department has no bilingual employees. Minority language associations were informed of this number. The number of bilingual positions requiring superior second-language skills rose by nearly 3% overall from 17.6% to 20.5%, something that should improve the quality of service. However, the Department's bilingual capability remained unchanged, with 80.9% of 1,935 incumbents of bilingual positions meeting requirements. The Department would do well to increase the number of bilingual employees in its ranks and should strongly encourage under-qualified employees to improve their second-language skills.

It should be noted that the Department has taken a number of initiatives in Quebec which should make it possible for it to offer better service to the public in French, and to be more present in that region than ever before. For example, the Geological Survey of Canada has reached an agreement with Laval University for the establishment of the Quebec Geoscience Centre.

Managers are generally well informed of their language obligations towards employees. According to the Department, sectoral official languages plans

should lead to more opportunities for Francophone employees to work in their language. The percentage of unilingual supervisors fell by 1.2%, but the Department still has a long way to go: 27.8% of supervisors in bilingual positions do not meet the requirements and the vast majority of them have exemptions. This is a major stumbling block to the use of both official languages in the work place, despite the administrative arrangements that have been made to overcome it.

Work documents are usually published in both languages. There are some exceptions, however, and the Department appears to prefer solving these problems as they arise rather than preventing them by insisting that English and French editions be published simultaneously. This attitude is all the more inexplicable since five of the 11 sectors now have a permanent translator, which enables managers to exercise more effective control over bilingual documentation.

Four of nine auditors in the Internal Audit Division are bilingual, but only one has superior second-language proficiency. The situation is clearly inadequate. Furthermore, the Division is not sufficiently sensitive to official languages matters; for example, a unilingual Anglophone auditor was initially assigned to conduct interviews during an official languages program audit. By year's end, a reorganization had begun which should enable the Division to increase its bilingual capacity to a level consistent with its obligations.

Participation by both language groups appears fairly well balanced in the Department as a whole (of 4,721 employees, 75.2% are Anglophone, 24.8% Francophone). Francophone participation in the Scientific and Professional category is now 16.8%, an increase of 1% over 1987. In spite of this progress in the face of low staff turnover, Francophone participation in this category remains far too low. We commend the Department for improving Francophone participation in the Management category from 16.1% to 20% in 1988. The situation in the regions remained unchanged, however. There are virtually no Francophone employees in the West or in the Atlantic region, except in New Brunswick, and there are too few Anglophones in Quebec.

The official languages program was administered this year by means of sectoral plans, which proved effective in achieving more balanced participation. A lack of action by managers in response to complaints received by our Office suggests, however, that there has been some backsliding in the provision of bilingual services.

We received 18 complaints against the Department in 1988, compared to 12 in 1987. Most concerned language of service.

Environment*

In 1988 the Department of the Environment made an intensive official languages planning effort, and senior management made a commitment to achieve specific

objectives within the next three years. In general, the Department lives up to its responsibilities towards the public, except in parks in Western Canada where major problems persist in providing service in French. Weaknesses were again observed this year in language of work and equitable participation.

On the whole, Canadians may expect to receive oral and written services of good quality in both official languages. Serious weaknesses persist, however, in western parks, particularly Banff. Services are not provided regularly in French and are often not available at all at such prominent points as entrances, visitor centres and guard posts. Signage is still frequently in English only. The Parks Service should take the necessary steps to correct this situation, which has gone on too long. It would no doubt find it helpful to take the same action that enabled it to improve its official languages performance in Atlantic Canada.

The Department continued its efforts to obtain permission from the provinces to advertise its parks and sites using bilingual or pictographic highway signs. The four Atlantic provinces and Alberta and the Yukon have agreed to the project; negotiations with Quebec and Ontario are still under way. The other provinces have refused to co-operate with the Department, or have decided to put the matter on the back burner for the time being.

The Atmospheric Environment Service dropped its toll-free service number, which was set up in 1983 as a temporary measure to provide French-language information service to the general public outside Quebec. Instead, it decided to use its network of telephone answering machines to announce weather forecasts in both languages. An audit of the service revealed that messages are recorded in English and French. However, Francophones living in Sault Ste. Marie and North Bay must now pay long distance charges to obtain additional information in French, while Anglophones in those cities need only dial a local number for supplementary information in English. This unequal treatment is contrary to the Official Languages Act. Environment Canada has now agreed to correct the situation before the end of March 1989.

Except in Quebec, French is still not being used to the extent it should as a language of work, mainly because only 80.8% of supervisors are bilingual and only 13.5% of that group have better than intermediate second-language skills. Training and development courses and central and personnel services are generally provided in both languages. Work instruments and documents are also issued in final form in both official languages. However, draft documents are usually prepared in English and distributed for comment in that language only, even in Quebec.

Of Environment Canada's 9,733 employees, 1,934 (19.9%) are Francophone, a seemingly fairly well-balanced situation considering the Department's high degree of decentralization. But although Francophone participation is acceptable

in the Administrative and Foreign Service (27.4%) and Administrative Support (29.3%) categories, it is far too low in Management (15.5%) and Scientific and Professional (17.7%). Irregularities also exist at the regional level. Only 26.3% of employees in New Brunswick are Francophones and Anglophone participation in Quebec is only 7.4%.

The Department completely revised its official languages program this year, and assistant deputy ministers signed memoranda of understanding with the Deputy Minister to improve the situation. The memoranda contain specific objectives for service to the public, use of French as a language of work and the participation of both official languages groups in the regions and in various employment categories. Managers are held accountable for the results, and control measures are in place. These steps suggest that progress, long overdue, may soon be achieved.

We received 57 complaints against the Department in 1988, compared to 74 in 1987. Fifty-one concerned service to the public, with 22 of them relating to the Department's parks. On the whole, the Department's co-operation was satisfactory except in the West, where complaints often are not adequately settled.

External Affairs*

Senior and middle management at External Affairs need to attach greater importance to official languages. The Department's persistent problems will not be resolved unless they play a more active role. External Affairs is slow to give French its place as a language of work, even though service to the public is generally available in both official languages. Participation by both language groups is acceptable in overall terms, but sectoral imbalances noted in recent years persist. The Department has not found a satisfactory solution for certain major complaints which re-surface from time to time.

The Department's performance in providing bilingual service continues to be good, except for telephone service in certain headquarters branches, at a number of missions abroad and in those passport offices in Canada which have only one bilingual employee each. In 1988 Heads of Mission were reminded that locally engaged employees in direct contact with the public should be able to speak both of Canada's official languages.

In another connection, the free trade promotion campaign begun in 1987 continued in 1988, with the same sort of hiccups. Last year, information in French on free trade was available at the Department's Zenith number on a highly irregular basis. External Affairs took months to correct the situation despite the many complaints received about it. In September 1988 the Department mailed a letter on free trade to a large number of Ontario and British Columbia residents who had phoned the Zenith number in 1987. The letter was sent out in English only.

This practice can hardly be justified, especially since a similar situation occurred in 1987 involving a questionnaire on apartheid. It is high time the Department took the necessary steps to ensure that Canadians' language rights were respected in major campaigns of this kind.

Of 1,125 non-rotational employees occupying bilingual positions, 985 (87.6%) meet the language requirements. Seventy-nine per cent (917) of the foreign service officers, 79% are bilingual, the same percentage as 1987. There was a slight increase in the percentage of bilingual rotational secretaries, from 51.2% to 53.2%. However, no secretary took a language course in 1988, compared to four in 1987. The Department intends to hire some 50 bilingual secretaries in 1989 in the hope of increasing their proportion to 60%. It will nevertheless have to make a more sustained language training effort since previous recruitment campaigns have not produced the desired results.

As to language of work, central and personnel services have good bilingual capacity, whereas the internal audit group is still weak in some respects. In computer services the situation is fairly good, and the new departmental communications system (COSICS), which will link headquarters with all its missions, will be on-line in both English and French in its first phase. The shortage of bilingual communicators and secretaries (32% and 53%) is still a major stumbling block.

The Department should be commended for its professional training efforts. It completed its study of the factors causing many Francophone employees to enroll in courses presented in English. The main reasons given were the unavailability and infrequency of training in French. Certain Francophone employees also explained that to a large extent they are required to work in English after taking training. The Department decided to develop an action plan to address the problem of the unavailability and infrequency of training in French, which should enable more Francophones to take training in their own language in future.

Anglophone and Francophone participation was much the same as in 1987, 71.6% and 28.4% respectively among a staff of 4,082. There are still too few Francophones in senior management (only 19.4% of 438 managers). The situation has remained virtually unchanged during the past three or four years. Of the 1,157 foreign service officers, 278 (24%) are Francophone.

The Official Languages Division still has too few employees to administer the official languages program effectively. Of 11 employees, only two are responsible for policy development, evaluation, control, audit and complaints. It should also be noted that the key position of Chief of Policy and Evaluation was vacant for all of 1988, a fact that aggravated an already difficult situation. As a result, the Division lacks the resources needed to exercise regular controls, and to ensure that managers follow official languages policy. The situation abroad

could be improved; official languages co-ordinators in the field should study the situation more frequently and report to headquarters. Departmental internal audit, which includes official languages, focuses on only one headquarters branch each year.

In 1988 we received 26 complaints against the Department, compared to 30 in 1987. Of these, 20 concerned language of service and six involved language of work. The former, dealing with free trade, were the most serious. The latter related to information sessions on the COSICS system which were given entirely in English. The use of simultaneous interpretation was not, in our opinion, a viable solution, particularly since the sessions included more than 700 Francophone employees. The Department should have organized sessions in each language or made presentations in which both languages were used in a balanced manner.

Generally speaking, the Official Languages Division handled complaints promptly. However, answers given by the managers concerned were all too often evasive and contained no specific commitment to take necessary corrective action. In addition, we had to send reminders for most of the complaints forwarded to the Department in 1988. Last May, for example, the United States Trade and Tourism Development Division, which had a problem of unilingual telephone service, promised to hire a bilingual secretary when a position became vacant. We learned in November that, despite the Department's promises, another unilingual employee had been appointed to the position.

Federal Business Development Bank

In 1988 the Federal Business Development Bank continued to achieve acceptable results in implementing the Official Languages Act. However, it does not have enough bilingual staff to serve the French-language minority and has no Francophone employees in some regions of the country.

Telephone reception and the capacity for service are generally adequate at the Bank's 24 branches serving locations where there is a significant demand by the official language minority. Of the 24, however, seven have no bilingual employees, including three of four Toronto branches. The Bank is sometimes hesitant about offering bilingual service and has yet to post signs at its reception desks informing customers they may obtain service in the language of their choice.

The Bank should decide upon a reasonable degree of bilingualism for its branches in unilingual provinces. At present, bilingual positions exist only in branches where there is significant demand for service in French; 115 of 288 positions (39.9%) providing service to the public are bilingual, but only 68 incumbents (59.1%) met the requirements. In response to a suggestion we made in 1986, the Bank designated a number of positions as bilingual at head office in Montreal and in New Brunswick, Quebec, Ontario and Manitoba. The Bank had

previously depended on bilingual employees to provide service in French, with no regard for the positions they occupied in their units.

The Bank's Counselling Assistance to Small Enterprises Program, one of its major operations, also has language obligations towards its business clientele. However, only five of the 14 CASE offices attached to branches where there is significant demand have a bilingual co-ordinator to direct operations.

The Bank ensures that the language preferences of its minority language clients are respected, and checks the quality of its officers' communications with them. It takes account of results for its evaluation of bilingual branches. The Bank holds meetings from time to time with Francophone associations in Manitoba and the Maritimes. However, it would do well to extend this practice to minority language groups in Ontario and Quebec and, ultimately, in all provinces.

As to language of work, the percentage of bilingual supervisors rose from 60.8% in 1987 to 63% in 1988. Of the 21 bilingual offices and branches, four have appointed bilingual supervisors since 1987, 11 have maintained their bilingual capability and two have suffered losses which have not, however, prevented employees from using their preferred language at work. The remaining four have no bilingual supervisors or minority employees to supervise.

Bilingualism is the watchword in communications between the Bank's head office and its offices and branches. Employees at head office and in the bilingual branches are able to present reports and other documents in English or French, without a translation, to head office committees and senior managers. English and French are used by the Senior Management Committee, and meetings involving all head office staff are invariably held in both languages. The Bank has made progress in its computer services, and a number of its systems are now bilingual, from the point of view of both inputs and printouts.

Of the Bank's 1,234 employees, 874 are Anglophone (70.8%) and 360 are Francophone (29.2%), despite the fact that 39% of all staff work in Quebec. Anglophones make up a large proportion of employees at head office (160 of 261, or 61.3%) and in the Bank's three branches in Montreal (9 of 49, 18.4%). Francophones are conspicuously absent from staff in Newfoundland, Nova Scotia, Prince Edward Island, Alberta, British Columbia, the Yukon and the Northwest Territories. The Bank should see to Francophone participation in those regions.

The Bank has a coherent official languages policy, which it distributed on two occasions, in 1987 and 1988. It should now review that policy in the light of the 1988 Official Languages Act. In its annual language report, the Bank sets out the official languages objectives it has achieved and provides data on personnel and on certain official language aspects of communications with the public. It has integrated its language objectives into its operational plans and begun audits of

the language program during its internal inspection of head office and offices and branches where there is significant demand.

This control system did not prevent complaints. In 1988 we received 26 concerning the Bank's operations, particularly in Prince Edward Island and Ontario. They concerned service to the public, mainly communications and advertising. At a celebration for business people in Richibucto, New Brunswick, where 71% of the population is Francophone, the Bank's regional officers made their presentation in English. The Bank took quick and effective action to settle the complaints.

Fisheries and Oceans

The Department of Fisheries and Oceans made more headway in 1988 in language of service and participation by creating new bilingual positions and increasing the Francophone presence in the Management category. The Department is still finding it very difficult, however, to make French a full-fledged language of work.

The Department showed initiative in creating new bilingual positions in the Pacific, Central and Arctic regions, as well as in Newfoundland. Since all incumbents of those positions are bilingual, service is now guaranteed in both languages in the various regions of the country. In overall terms, the number of bilingual positions rose from 17.2% to 18.1% in 1988, but the percentage of incumbents meeting the requirements declined considerably, from 84.2% in 1987 to 80.4%.

There has been no marked change in the status of French as a language of work at headquarters. Since departmental activities are greatly decentralized, French is under-used in the National Capital Region, particularly as employees must now deal with co-workers located for the most part in unilingual English-speaking regions. The Department nevertheless made an effort to create a more favourable climate for the use of French in the work place. At headquarters, it raised the language requirements of supervisory and management positions. The Department also offered technical training courses in French to its employees in the Gulf region as part of an agreement with its Quebec offices. It should ensure that similar agreements are made for the benefit of Francophone employees outside the Quebec and Gulf regions.

There are 5,975 departmental employees, of whom 952 are Francophone (15.9%). Given the distribution of employees on the Atlantic and Pacific coasts, this seems a fairly good balance. Participation of Francophone managers rose from 10.3% to 13.3% in the National Capital Region, and for the Department as a whole it increased to 19.1% in 1988 from 14.7% in 1987. Francophone participation is less than 15% in all other categories but Administrative Support (24%)

and Administrative and Foreign Service (23%). The Department made a special effort to bring the Francophone scientific and university communities to understand that career opportunities exist at Fisheries and Oceans, an effort which met with some success.

Fisheries and Oceans have established an official languages program management system. Its action plan and control measures appear adequate. Managers are regularly informed of the official languages objectives they must achieve and are required to play an active part in their development by drafting work plans.

We received 15 complaints against the Department in 1988, compared to 29 in 1987. All but one concerned language of service. The other complaint dealt with a unilingual English work document.

House of Commons

The House of Commons Administration turned in a good, if not quite pacesetting, official languages performance in 1988. It continued to provide quality bilingual service to Members of the House and, with a few exceptions, to the public, and took steps to tackle its language of work difficulties. However, the oft-mentioned problem of low Anglophone participation remains essentially unchanged.

Of 1,673 employees, 1,242 (74.2%) occupy positions requiring a knowledge of both languages, and 1,018 (82%) of these meet the requirements. The Administration is therefore able to do a good job serving Members in their preferred language. Visitors also fare reasonably well, but the Security Services Directorate must ensure that its security guards are adequately deployed to guarantee high standards of bilingual service, given that some 17% of them do not meet the intermediate language level required for their positions. The Administration has taken steps in this regard. In response to complaints about the lack of active offer of service in French to visitors, it has implemented a system whereby only guards meeting the highest standard of bilingualism will be posted at the main entrance to Parliament. These employees have been instructed to offer their services to visitors in both languages.

The work environment at the House appears, at least on paper, to be reasonably conducive to the equitable use of both languages. Work documents and central and personnel services are available in either language, and 85% of supervisors have acquired at least an intermediate level of second-language proficiency; indeed, more than 50% of supervisors have a superior knowledge of their second language. The Administration has made maximum use of language training to encourage a number of unilingual supervisors in the Security Services Directorate to meet the language requirements of their positions. Consequently, French is now used more regularly. Nevertheless, more than one-quarter of the

56 supervisors in the Administration who do not meet the language requirements of their positions are to be found in the Security Services.

Written French is not being used as widely as it should be in the House, and 95% of texts, excluding Parliamentary and Committee debates, are translated from English to French, a surprising statistic in an institution with a large number of Francophone employees. Some of the suggestions and recommendations contained in our language of work chapters in this and previous Annual Reports could, we think, be of help to senior management as it tries to find ways to encourage more Francophones to work in French.

The proportion of Anglophones declined slightly in 1988 to a very low 34.7% (580 of 1,673), compared to last year's 36.5%. Anglophones are still somewhat more numerous among the Senior Management (57%), Professional (54%) and Technical (62%) categories, while Francophones predominate in the Operational (66%), Administrative Support (70%) and Administrative (66%) categories. To compound this problem, 40% of the employees recruited this year were Anglophone; this, however, was an improvement over the 35% in 1987. The Administration will need to work very hard if it hopes eventually to have a work force that more fairly reflects the presence of both official language communities in Canada.

To improve the management of its official languages program, the Administration is preparing an internal memorandum-of-understanding system under which senior managers and section heads will be held accountable for attaining program objectives. The system has already been successfully implemented in the Parliamentary Publications Directorate.

We received nine complaints involving the House in 1988, three fewer than in 1987. Two concerned telephone reception in French only at an enquiries number, a third related to the lack of simultaneous interpretation for part of a committee meeting, and four touched on the absence of active offer of service in French to visitors at the main entrance of the Centre Block. The other two, still unresolved at year's end, concerned the language in which House debates were broadcast, and the provision of language training. The Administration offered excellent co-operation in the investigation and resolution of complaints.

Indian Affairs and Northern Development*

The Department of Indian Affairs and Northern Development continues to face an uphill battle in most aspects of its official languages program. However, its efforts to increase the use of French and to improve management of the program show signs of bearing fruit.

A new departmental policy drafted during 1988 constitutes a major improvement. Unlike the previous one, it states clearly that managers will be held

accountable for their performance in this area. The Department's internal auditors are once again including the language dimension in their activities, and a system to monitor communications with Quebec has been established at the specific request of the Deputy Minister.

The number of positions requiring a knowledge of both languages declined in 1988, although the Department maintained that, according to a survey carried out some years before, it still had sufficient numbers to meet the existing demand for service in French. We recommended in our recent audit that this survey be updated periodically.

For an institution to gauge accurately the level of demand for service in the second language, it must, logically, first offer its services actively in both languages. The Department should therefore identify itself in English and French, greet callers in both languages and invite clients to complete any required documentation in their preferred official language in all regions where demand is significant or potentially so. Signage should be in English and French at all its offices and, where publications and forms are displayed, versions in both languages should be visible. Some bilingual capacity already exists in most offices, albeit on occasion more by accident than by design, and it is used intermittently. In our view, the deployment of bilingual personnel should be the result of careful planning, and we have recommended that the bilingual capacity of the Indian and Inuit Affairs program sectors be re-evaluated and upgraded as required.

Progress in achieving the Department's language of work objectives is inhibited by the fact that 20% of supervisors do not meet the language requirements of their positions. In these circumstances, it is hardly surprising that opportunities for Francophones to use their language in meetings, or when drafting, continue to be limited, and most of them still receive their annual performance appraisals in English. We have recommended that the Department re-evaluate the language requirements of supervisory positions and prepare a plan to upgrade the skills of managers. On the plus side, central and personnel services, along with most work documents, are available in both languages, and it has been made clear that written work can be submitted to the Deputy Minister's office in either language. Fair play and linguistic equality can never be achieved without the unstinting commitment and example of senior management, and we heartily endorse the Deputy Minister's initiative which, we understand, is beginning to spread through the hierarchy.

Overall participation of Francophones remains unchanged at 15.2%. Most troubling is the fact that in the Management category, Francophones make up only 10.5% (14 of 133) of the total. The participation of Anglophones in Quebec now stands at 17.8% (up 2.9% since December 1987), although it must be noted that this figure includes a large number of teachers in federal schools. Nevertheless, it compares favourably with Ontario, where the Francophone participation stands

at a very low 1.3%. Obviously, the Department's participation rates are affected by factors such as its geographical location (most of its employees are located outside the National Capital Region) and its clientele, the great majority of whom are Anglophone. Nevertheless, the participation of Francophones seems to have fallen below what can be considered acceptable under the Official Languages Act and needs to be addressed. In this regard, the Department's plan to intensify its efforts to recruit Francophones in Ontario and in the Atlantic region, as well as French-speaking Native people in Quebec, is a step in the right direction.

We received nine complaints involving the Department in 1988, two more than in 1987. One of these, involving language of work, was resolved informally. The others, concerning service to the public, touched on such matters as advertising, publications, the poor quality of French in documents and the unavailability of written material in the other official language. Five of these complaints have been resolved and indications were that the remaining four were on the point of successful resolution by year's end.

International Development Research Centre

The International Development Research Centre has taken firm steps to implement our 1987 audit recommendations and appears determined to overcome its official languages difficulties, including the continuing problem of the high number of unilingual supervisors.

The Centre has improved the management of its official languages program by formalizing its official languages network, headed by a dynamic co-ordinator. The network has a representative in each branch or sector to provide statistics, advise employees and managers on language matters and help the co-ordinator prepare action plans. These contain objectives which are integrated with operational plans, and managers are now being held accountable for their attainment. A detailed guide on the application of language policy has been published and distributed to all employees. A review of the language requirements of all positions is under way and language training is being used extensively to help unilingual employees meet the requirements of their positions.

The Centre has a very large number of bilingual positions (325 of 364, or 89.3%), but only 70% are occupied by employees who meet the requirements. Nevertheless, the Centre is generally able to provide bilingual service to its Canadian clientele of federal institutions, scientific associations and the general public. Signs and telephone reception are bilingual, as are folders, brochures and films. Correspondence is answered in the language of the addressee, and the library offers service to the public in English and French. Most scientific and technical publications, almost all of which are written by Third World researchers and are generally aimed at foreign readers, are published in English

and translated, often belatedly, into French. In 1987 we expressed the hope that a policy for scientific and technical publications on which the Centre had been working since 1985 would deal with this problem. At the time of writing, it was still in draft form.

The use of French as a language of work at the Centre is still handicapped by a shortage of bilingual supervisors. Only 59.6% (65 of 109) are fluent in both languages. Moreover, 46.8% (22 of 47) of the employees in the Scientific category do not meet the language requirements of their positions. It is not surprising that some Francophone employees draft in English. In keeping with our audit recommendations, the Centre has taken steps to promote a greater use of French. At senior management meetings, agendas and minutes are now produced in both languages, and participants are encouraged to intervene in either English or French. All employees have been informed of their language rights and obligations, and priority for language training is given to unilingual supervisors. By year's end, each branch or sector will have completed an inventory of work documents to determine which need translation. Central and personnel services are now being offered actively to staff, and professional training courses are provided in both languages, but with an interesting difference: the French versions are made available before the English ones to encourage Francophones to take them in their own language. This practice deserves to become more widespread provided it does not put Anglophone trainees at a disadvantage.

Overall Anglophone participation, which was already low last year at 68%, has decreased to 66.5%. There are too many Francophones (42%) in the Administrative Support category, but too few in the Scientific category, where they still account for only 20% of staff. The question of participation imbalances has been addressed in the Centre's various action plans, and we expect improvements to occur.

No complaints were lodged against the Centre in 1988.

Justice

The Department of Justice has once again demonstrated that it attaches great importance to maintaining a healthy official languages program. It followed up on its 1987 review of the language requirements of positions with a full-scale language training plan and took steps to increase managerial accountability for official languages. The Department also carried out a careful analysis of the bilingual capacity of legal service units and began a language of work survey involving all its offices in departments and agencies in the National Capital Region. The level of bilingualism among legislative drafters has increased and the Department is working to correct participation imbalances in some of its regional offices.

The Department is fully capable of offering all its services in both languages: 54.9% of positions (881 of 1,605) are bilingual and an impressive 93% of the

incumbents met the language requirements. What is even more impressive is the fact that 486 of the bilingual positions (55.2%) call for the superior level of language skills, compared to 390 in 1987. At present, all nine regional offices have good bilingual capacity, including Whitehorse, which now has a bilingual lawyer. The other offices each have two or more bilingual legal advisers.

There has been an improvement in the bilingual capability of the 40 legal services units located in the various institutions they serve. In 1988 only four units had less than 30% bilingual capacity (compared to eight units in 1987), and the overall proportion of bilingual lawyers has increased considerably to 58.2% from 53.4% in 1987. Among legal advisers, 88.5% in 175 bilingual positions met the language requirements.

The Department has developed a sound language training plan, to be implemented over the next five years, for 150 legal advisers and close to 100 support staff.

Bilingual supervisors are an indispensable ingredient of an equitable language of work regime, and Justice has again improved its position. In 1988, 86.5% of supervisors met the language requirements of their positions, compared to almost 85% in 1987, and 97 supervisory positions (50%) called for superior language skills, as opposed to 86 (46%) in 1987. Given this high level of bilingualism among supervisors, employees are free to draft texts in their preferred language in many sectors of the Department and French can be used in meetings. Employees have access to bilingual work documents, including computer software, as well as central and personnel services.

At present, most legislation is still conceived and drafted in English, largely because preliminary discussions with client departments are usually conducted in that language. Following up on its stated intentions, Justice is taking steps to encourage greater use of French in this area. The Deputy Minister has asked client institutions to designate specialists capable of giving instructions and technical assistance to drafters in French. In the Legislative Programming Branch, all positions will be designated bilingual by 1991, and 10 positions which now call for intermediate language skills will be upgraded to the superior level. While these measures will take a little time to bear fruit, they are definitely a step in the right direction.

Participation of the two language groups remains about where it was in 1987. Anglophones make up 67.7% of staff and Francophones 34.3%, which is somewhat high. The proportion of English- and French-speaking employees in the various employment categories is generally well balanced, except for the Administrative Support and Administrative and Foreign Service categories, where Francophones account for 41% and 44% respectively. Anglophones make up an only 7% of staff in Quebec, while in the other eight regional offices there are only 12 Francophones. The Department is giving these imbalances appropriate attention and is taking steps to improve the situation.

The Department's official languages program is well managed. Language objectives are integrated with operational plans and a senior committee receives and analyses obligatory reports from managers and supervisors indicating, among other matters, how demand for service was gauged and how it was met.

Three complaints were lodged against the Department in 1988, six fewer than in 1987. They touched on such language of service items as poor quality translations, a unilingual commissionaire and English-only press releases. All were resolved.

Labour

The language situation in the Department of Labour improved in 1988. Official languages moved up on the list of priorities, and the Department implemented some of the recommendations made in our 1985 audit report. Despite efforts to make some services bilingual, improvements are still needed in language of service, language of work and equitable participation.

As regards service to the public, the Department worked hard to provide easier access to French-language services for federal employees injured on duty in unilingual English provinces. It also made a commitment to expand the bilingual capability of the Women's Bureau. However, the two complaints we received this year, which were settled satisfactorily, showed how important it is for the Department to identify the precise language preferences of its clientele in bilingual regions.

The Department should gradually raise the language requirements of its bilingual positions to reflect more accurately its real capability to serve English- and French-speaking Canadians in an equitable manner. Although 262 employees (31%) have superior second-language skills, only 71 occupied positions (8.4%) require that level. The largest number of bilingual employees are located in the National Capital Region. The others are found in the regional offices (except Vancouver) each of which employs at least one person with superior second-language skills (Winnipeg one, Toronto six, Quebec 20 and Atlantic 18).

The Department still has work to do to improve the language of work situation, which is virtually unchanged from 1985. Headquarters teams usually work in English, which is almost the only language spoken at meetings and used in the documentation made available at them. Despite the efforts of official languages officers, the situation has not improved. Reminder cards about the Department's policy on bilingual meetings had not been published by year's end and the process of identifying unilingual work documents is still incomplete, despite our recommendation on this matter. In addition, we observed weaknesses in departmental supervision: 20% of supervisors are not bilingual. The Department has revised the language identification of its bilingual positions, particularly those

occupied by supervisors, and has enrolled a number of the latter in language training.

The overall participation of Francophones (32.4%) remains too high as a result of their strong presence in the Administrative Support category at headquarters (48.6%) and the small number of Anglophone employees in Quebec (2 of 67). Francophones, at 62.5%, are also over-represented in New Brunswick. For the Department as a whole, however, the percentage of Francophones in the Management category rose by more than 2%, from 18.4% to 20.6%.

As for program administration, official languages have finally been included in the criteria used by the Department's internal audit group, which will begin to apply them in 1989. Two and a half person-years are now assigned to official languages, an improvement over last year. Late in 1988, in response to one of the recommendations we made in our 1985 audit report, the Department published a digest of official languages policies. At year's end, 11 of the 14 recommendations made in that report had been implemented.

We received only two complaints against Labour Canada in 1988, compared to five in 1987.

Marine Atlantic*

In 1988 Marine Atlantic underwent a period of planning and renewal to put its linguistic house in order. Although the Corporation is still a long way from achieving the level of bilingual service the public is entitled to expect, it has finally laid the foundations of a structure that should enable it to respect more fully the equality of status of English and French. Despite modest progress, Francophone participation is still unacceptable and French does not have the status it is entitled to as a language of work.

Marine Atlantic's greatest achievements in 1988 came in the administration of its official languages program. The Corporation's five-year action plan, to which all operational sectors contributed, contains specific objectives, methods and deadlines and assigns specific responsibilities. The Corporation hired a full-time official languages director, who reports directly to the President. The structure now appears well entrenched, and Marine Atlantic now only needs to implement, in a sustained manner, measures to guarantee the travelling public service of equal quality in both languages at all times.

As for language of service, Marine Atlantic slightly increased its number of bilingual positions to 75, 10 more than in 1987. Most of these positions are seasonal, however, and in relative terms are too few to ensure permanent service in both English and French in all its operations. We hope that this slight increase marks the start of a program that will offer bilingual service at all times to the travelling public on vessels and at terminals.

Except for staff of the RESMAR reservation service, who systematically give customers the opportunity to use their preferred official language, few employees embrace the principle of active offer of service. During the summer, however, a number of employees wore badges identifying themselves as bilingual. We encourage the Corporation to extend this practice.

Marine Atlantic honoured its obligations regarding signage, documents intended for the public and pre-recorded announcements on vessels and in terminals. The Corporation prepared directives governing these areas and makes regular checks to ensure that they are implemented. Unilingual employees can call on activity directors and customer service officers — additional bilingual employees hired for the summer — to make improvised announcements in French during the busy season. In the off-season, employees can refer to the phrase-book prepared by Marine Atlantic, provided they are able to express themselves in French. A language training program specially adapted to the Corporation's employees and operational requirements would make management initiatives in this area more effective.

Since its inception, Marine Atlantic has recognized only English as a language of work. In defending this restrictive practice it has pointed to the nature and location of its operations and to the linguistic composition of its staff. To meet the requirements of the 1988 Official Languages Act, Marine Atlantic must now change its practices and take the necessary steps to guarantee employees their right to use French as a language of work in its New Brunswick offices, particularly at Moncton headquarters. To that end, the Corporation recently introduced a French course for senior managers there.

The number of Francophones at the Corporation increased by 17 from last year to 111 of 3,190 employees (3.5%). In our view, this is still unsatisfactory. Marine Atlantic has only one Francophone senior manager, a clear indicator of the endemic problem of Francophone participation at the Corporation. Marine Atlantic should take corrective action so that its staff more accurately reflects the presence of both official language groups in the areas it serves. It might start with its Moncton headquarters, where Francophones make up only 13.2% of staff.

We received 37 complaints against Marine Atlantic in 1988, compared to 43 in 1987. Of those, 13 concerned a lack of service in French at terminals and 10 were critical of services offered on vessels.

National Archives

National Archives still has no difficulty serving members of the public in their preferred official language or in administering its official languages program. However, progress has still to be made in language of work and equitable participation.

The institution actively offers its services to the public in English and French, both over the telephone and in person, and its publications are available in both languages. Of the 400 bilingual positions assigned to service to the public, 338 (84.5%) are occupied by employees who meet the requirements, 41 of whom have superior second-language skills.

The Archives has made an effort to give French its rightful status as a language of work. However, much more remains to be done. Although the institution gives its Francophone employees an opportunity to work in their language, the latter use English in most instances and at all levels of the organization. Francophones may access computers and receive part of their training and related manuals in French, but they are less fortunate with certain work documents and central services. The Archives has 215 bilingual supervisory positions, 80% of which are occupied by bilingual incumbents, but only 25 of the positions call for superior second-language skills.

Both languages are generally used at senior management meetings and at meetings attended by large numbers of employees. When necessary, the institution makes use of simultaneous interpretation.

The overall participation by both language groups needs to be improved. Even taking into account the fact that most Archives operations are carried on in the National Capital Region where there is a high concentration of French-speaking Canadians, Francophones are still too numerous on staff (293 of 768 employees, or 38.2%). Anglophones are very much too low in the Administrative Support (53.4%) and Operational (52%) categories. On the other hand, only 17.6% of managers in the National Capital Region are Francophone.

Official languages program objectives are integrated into management's operational plans and certain policy aspects are subject to annual controls. Senior managers are evaluated on how they manage the program.

We received no complaints against the National Archives in 1988.

National Arts Centre

We are delighted that the National Arts Centre, in fulfilling its new national mandate, intends to establish closer ties with official language minority communities across Canada.

The Centre's most satisfactory language performance is in respect to service to the public. In 1988, however, we again noted several major weaknesses with regard to language of work, in particular the high percentage of unilingual supervisors. Efforts still need to be made to achieve balanced Anglophone and Francophone participation and official languages program management is weak in some areas despite the Centre's efforts to improve matters.

In general, the Centre offers its services actively in English and French. Although the language abilities of staff in contact with the public have been tested, the skills of other employees occupying bilingual positions need to be assessed to implement fully the recommendation of our 1983 audit. The Centre should also regularly monitor various aspects of service to the public. For instance, it could have taken advantage of its 1988 customer survey to determine whether the public was in fact satisfied with the language aspect of its services. In addition, the inadequate number of private sector French-language advertisements in *Prelude*, the house program, is still under study. The NAC plans to give priority to correcting this situation.

As regards language of work, we are pleased to note that financial, administrative and personnel services are provided in English and French. Both languages are generally used at meetings. The NAC also took action on another of our 1983 recommendations and, during negotiations with the International Alliance of Television and Stage Employees, obtained a clause that implicitly guarantees that staff on each production will be able to obtain bilingual services from stage crews.

We also noted some problems that militate against the use of both languages in the work place and which may help in part to explain why a number of Francophones asked to receive their performance appraisals in English, and why they tend to enroll in development courses given in English. Most important, one-third of supervisors in bilingual positions are still unilingual. In our view, the language training provided to supervisors has not had the positive impact expected. Management should immediately examine this longstanding situation. In addition, action has yet to be taken on our 1983 recommendation that an inventory be prepared of unilingual work instruments and that such documents be translated. Acquisition of a French-language computer program was a laudable but at present fruitless initiative, since the Centre has not integrated it with its operations. As a result, Francophones are forced to use the English program.

Even though the Centre is located in the National Capital Region, where there is a relatively high concentration of French-speaking Canadians, overall Francophone participation is too high (48%). And, at 48.6%, they are also too numerous in the Operations Branch (298 of 613 employees), particularly in Security (19 of 21) and the Box Office (25 of 26).

Two NAC employees are responsible for managing the official languages program. However, the fact that they devote little time to the program is unacceptable given the number of important tasks that remain unfinished. No control measures have been established for official languages activities. According to the Centre, managers are aware of their official languages responsibilities, but objectives that form part of their operational plans have not been set. Consequently, they are not held responsible for achieving them and are not

appraised accordingly. The new performance appraisal form to be prepared for 1989 could very well include this element.

The NAC was the subject of seven complaints regarding language of service in 1988, compared to four in 1987. The Centre was co-operative in handling them.

National Capital Commission*

Bilingual service to the public was, once again, the strong point of the National Capital Commission's official languages program in 1988. However, its performance in other areas was still not quite up to par. A recent follow-up to our 1986 audit report indicated that the recommendations may not be getting the attention they deserve: although some action had been taken on several of the six recommendations which remain pertinent, only one was judged to have been fully implemented. (The role of the NCC in enhancing the bilingual character of the National Capital Region is discussed in Part I.)

Nearly 60% (421 of 703) of the NCC's employees occupy positions requiring a knowledge of both official languages and 335 of them meet the requirements. Barring occasional mishaps, the Commission is thus easily able to communicate with visitors or callers in either English or French and to correspond with clients in the language of the addressee. On another aspect of service to the public, one of our 1986 recommendations called for the development of a language policy for the Commission's lessees and concessionaires. Although the policy has not yet been produced, the NCC ensures that all new leases contain clauses governing bilingual service, menus and signs. However, no systematic monitoring of these aspects is being carried out, notwithstanding our suggestion to that effect.

NCC managers are more aware of the language aspects of supervision than in the past, and their contribution to the program is now an integral part of annual performance appraisals. Francophones have been invited by the General Manager to draft texts in their own language. In spite of this, French is not yet used as much as it could be, given the high percentage of Francophone employees and managers and bilingual Anglophones within the Commission. The Executive Management Committee has approved a plan calling for the identification of units where more French could be used, together with a survey of language of work, the translation of remaining unilingual work instruments, and appropriate controls. However, little action on this plan has been taken to date. We urge the Commission to give it immediate attention.

Overall, Anglophone participation has increased slightly, to 54.2% compared to 53.4% in 1987; but it is still, in our view, too low considering the mandate and location of the institution. It is also low in all employment categories except Management, where 18 of 23 employees are Anglophone. Because of an impending reorganization, the Commission was subject to a staffing freeze for

most of 1988 and had little opportunity to take action on our 1986 recommendation calling for more balanced participation of both official language groups by employment categories and levels of seniority.

In our 1986 audit report, we also recommended that the NCC revise its official languages planning system and hold managers accountable for their contribution to the program. Our follow-up indicated that, although the question of managerial accountability has been addressed, official languages planning remains essentially unchanged. There was either very little or nothing at all pertaining to the program in any of the plans we examined. The NCC will have to do better if it is serious about correcting remaining deficiencies.

The Commission was the target of five complaints in 1988 (half as many as in 1987), all involving service to the public. One touched on the poor quality of the French in a letter, another concerned the failure of an employee to provide service in French, and the three others related to various breaches of the Official Languages Act by concessionaires. All were satisfactorily resolved by year's end.

National Defence

The Department of National Defence devoted most of its linguistic energy this year to giving effect to the Commissioner's 1987 report to the Governor in Council on language of work at Defence headquarters. Measures include the integration of bilingualism as a factor in the promotion of military officers and the launching of a major campaign to remind Defence personnel of their linguistic rights and responsibilities. In addition, a second small French-language cell was established at headquarters to promote the use of French in the Material Branch. As positive as these activities are, there has been no improvement in some key areas. Translating the backlog of English-only documents has fallen seriously behind schedule. Renewed efforts to provide more military training in French to the Forces' 23,746 Francophones have proven to be ineffective and the Department's bilingual capacity has been unable to keep pace with a growing number of bilingual positions.

The year also passed without the long-awaited overhaul of the Department's civilian and military official languages plans. A single master plan covering both components is being developed, but full implementation is not expected until 1990. Defence has reiterated that official languages matters will be incorporated into all aspects of departmental activities. Government and the Department would do well to begin with the composition of its most senior management bodies, the Defence Council and the Defence Management Committee, each of which is composed of 11 Anglophones and no Francophones.

National Defence is working on a two-year review of the language designation of its 119,348 military and civilian positions. To date, the number of bilingual

military positions has jumped from 12,887 to 14,762, an increase of 14.5% over 1987. Although the total number of bilingual positions filled by qualified personnel has also increased, 76.6% of all bilingual positions in the Forces are occupied by members who do not meet the language requirements. On the civilian side, the comparable figure is only 18.1%. The Forces count largely on a more effective language training program for Anglophones to increase bilingual capacity while setting a deadline for all members with leadership ambitions to become bilingual. Thus, by 1998 bilingualism will be a prerequisite for promotion to lieutenant-colonel. Meanwhile, the second-language skills of thousands of bilingual military personnel are being reconfirmed. In 1989 we expect the Department to have a clearer picture of its bilingual resources in relation to its needs, and to assign a priority to match them.

Our study of the Forces' program for providing military occupational training to Francophones in their own language revealed that it was little more than an illusion. "Francotrain" has long been oriented more towards helping Francophone military personnel undergo their training in English than to making courses available in both official languages. This was supposed to change in 1986 with a revitalization of the program. Francotrain was expanded to cover virtually all 1,200 courses given by the Forces, criteria were established for measuring progress, and a monitoring system was introduced. These changes meant that, until a course could be given in French as well as in English, the school had to ensure, among other things, that a certain proportion of course material was translated and that bilingual instructors were available. Schools were to improve the level of assistance to the point where courses could be given in both languages.

However, our study has revealed widespread confusion about Francotrain's objectives, procedures and resources. In the schools few instructors understood, and many were unaware of, the program's application to their courses. School administrators themselves were often unfamiliar with their role in implementing the program. In the navy and the air force, the view was often expressed that training in French was counterproductive since the language of the seas and the skies was English. Today, there are still no occupational courses given entirely in French in the Air and Maritime Commands. As for Mobile Command, the Department's data suggest that 35% of the army's courses are being given in both languages. However, we found that in several of these courses English- and French-speaking students were grouped together for instruction in English.

Francophone students who, for linguistic reasons, fail courses given in English are generally either sent for language training or posted to English-language positions in order to improve their second language skills before attempting the course again. The latter practice appears to contradict the Department's policy of ensuring that its military personnel have sufficient language knowledge to perform in the position to which they are assigned. We recommend that National

Defence evaluate the effectiveness of this practice. In the meantime, the Department should take the purpose of such postings into account in evaluating performance.

The Department lacks the resources to provide most of its military occupational training in French. The vast majority of technical documents are still in English only and, since three-quarters of the Force's bilingual positions are filled by unilingual incumbents, the human resources to meet Francotrain's needs are not available. In the circumstances, the Department should concentrate its limited bilingual capacity on basic occupational training. Maritime Command has already moved in this direction. Translating material for advanced courses makes little sense if all prior training is given only in English. Similarly, if Francophones are not to find themselves at a disadvantage as a result of being trained in their own language, National Defence must create more opportunities to work in French while providing second-language training when necessary for career and mobility reasons.

A follow-up to our 1984 study of the Department's network of official languages co-ordinators revealed that important steps remain to be taken. A clearer co-ordinating role for the Director General of Official Languages awaits the introduction of the new official languages plan. For the same reason, our recommendation that decision makers be specifically accountable for official languages matters has not been implemented. Guidelines have in fact been issued to standardize and improve the job descriptions of base co-ordinators, but the role they play in policy implementation and the level of support services assigned to them still depend largely on the priorities of their commanders rather than on the needs of the program and the work to be done.

Our follow-up to the Commissioner's report to the Governor in Council on language of work revealed that a 10-year program to reduce the backlog of English-only documents has missed its third-year target of 60,000 pages by more than two-thirds. Steps are being taken to get the program back on track. In addition, National Defence has been experimenting with computer-assisted translation in co-operation with the Secretary of State's Translation Bureau. Preliminary results of the latest trials indicate significant productivity gains are possible. The technology is being applied to the patrol frigate project but it will still be years after the first ships enter service before Francophone sailors will have training material and work instruments in their own language.

Francophones constitute 27.8% of all military personnel. Their participation in the officer ranks (now 23.8% compared to 23.3% in 1987) continues to improve. On the civilian side, it dropped slightly to 19.8% of the 32,872 employees when it should be moving in the other direction. Meanwhile, the participation of Anglophone civilian employees in Quebec has stabilized at 9.4% after declining steadily for several years. A plan developed to ensure full participation of both

language groups within the civilian component calls for actively recruiting the language minority through contacts with post-secondary institutions.

National Defence was the subject of 74 complaints in 1988, 14 fewer than in 1987. The majority referred to the Department's lapses in providing service in French to both the general public and its own personnel. Responding to complaints about telephone reception and service, Defence began offering special courses for receptionists, and used personnel newsletters to get the message across to all employees about actively offering service in both official languages.

The Department's reply to a complaint concerning language of work was less encouraging. A newspaper reported that public announcements on board one of the navy's two French-language ships were sometimes given only in English. Despite the ship's language designation, the Department explained that announcements might be in English in emergency situations in order to avoid confusion and reduce delays.

The Department was able to move quickly on certain investigations in 1988 and is taking steps to reduce the time required for handling complaints.

National Energy Board

Even though the National Energy Board displayed leadership and good will in its efforts to institute thorough language reform in 1988, the language situation had improved little since our last audit in 1984. There are still major problems, including low Francophone participation at senior levels and under-utilization of French in the work place.

The Board is using every means at its disposal to publicize the availability of services in both languages and periodically audits telephone service to ensure compliance with its policy. A survey conducted in 1988 revealed that the Board's clientele was very satisfied with the bilingual services offered and with the availability and quality of its documents and other visual material. However, clients would like to see improvements in one-on-one service and encouragement for the use of both official languages at public hearings. Although 91% of the 181 employees who occupy bilingual positions met the requirements of their positions, we believe those requirements should be raised. The Board is seeing to this matter.

The status of French in the work place caused a number of problems. Francophones are not inclined to use their first language at work or at meetings in the presence of Anglophone supervisors and colleagues who knowledge of spoken French is inadequate for an effective exchange of information. The Board has developed a plan to raise the language profiles and requirements of its positions, an initiative we hope will help correct this situation. It is also trying to ensure

that all employees receive central and personnel services, performance evaluations, occupational training and work instruments in their preferred language.

With the exception of its 13 employees in Alberta, the Board's 329 employees are located in the National Capital Region. Of that number, 72.8% are Anglophone and 27.2% Francophone. Although these figures appear acceptable at first glance, uneven distribution in the various categories is a cause for concern. There is only one Francophone employee in the Management category, and only 16.8% of Scientific and Professional employees are Francophone.

Official languages program management at the Board is integrated with operational management. Each branch has a sectoral plan, and managers are held responsible for implementing it. Controls by program officers and steps taken to correct certain irregularities have breathed new life into the Board's language reform program.

We received no complaints against the Board in 1988.

National Health and Welfare*

For the Department of National Health and Welfare, it was largely "business as usual" in 1988. Despite staff reductions, the Department was generally able to maintain its traditional effectiveness in providing Canadians with bilingual services. However, it could have given more attention to the weaker aspects of its official languages program.

Most of the Department's branches have relatively little contact with the public, except for the Income Security Programs Branch, which deals directly with a great many Canadians. For the most part, the Branch offers its services actively in both languages in regions of high demand and publicizes their availability via bilingual publications, signage, telephone and in-person reception and advertising. Even in areas of low demand for service in the minority language, such as the western provinces, clients can obtain service in French by dialing a Zenith number. The calls go to a recorder in Edmonton where clients leave their name and number and are contacted the following day. This is not to say that there are no flaws. The problems we noted last year concerning difficulties in providing French-language service at the Ontario regional office in Scarborough have not yet been resolved. In Toronto, other sectors of the Department have been found wanting: the health services clinic and the public relations unit have both been the subject of complaints about lack of service in French.

The Fitness and Amateur Sport Branch maintained its positive approach to official languages in 1988, but the large number of regional, national and international sports events which took place during the year appeared to stretch its linguistic resources to the limit. The tight control the Branch displayed during

the 1987 Winter Games in Cape Breton Island was rather less evident during this year's World Junior Track and Field Championships in Sudbury, sponsored by the Canadian Track and Field Association, as evidenced by the complaints we received. To be fair, it must be pointed out that, taken as an entity, Fitness and Amateur Sport has good bilingual capacity: the complaints we receive relate, for the most part, to the sports events themselves. Nevertheless, the Branch will need to find new ways of guaranteeing equal treatment for both language groups during these highly visible events. It made laudable efforts, however, to ensure that the national fitness, sport and recreational associations it subsidizes conducted their activities with due regard for official languages matters.

Of 8,656 employees, 2,773 occupy positions requiring a knowledge of both languages, and 2,198 (79.3%) of them met the requirements. We note that these requirements are still regularly being upgraded; in 1988 only 6.2% of bilingual positions called for the elementary level, compared to 14% in 1987 — a most welcome trend. On a regional basis, the number of bilingual employees seems adequate except in eastern and northern Ontario, where there are only 26 linguistically qualified employees to serve the large Francophone minority. It is expected that the staffing of the new regional office in Timmins, once completed, will alleviate the situation.

Generally speaking, there are no impediments preventing employees from drafting their work in English or French. However, in the Health Protection Program Branch in Ottawa, in addition to the problems caused by the general dominance of English in the scientific world, Francophones account for only 10.6% (60 of 568) of the Branch's Scientific and Professional staff, while in its Management category they number only two of 30. Both figures are far below Public Service averages for these categories in the National Capital Region.

Overall participation of Francophones stands at 23.9%, a reasonable figure given that most of its employees work outside the National Capital Region. The numbers of Francophones have increased slightly in four employment categories since last year: Scientific and Professional (15.7%), Technical (20.7%), Operational (18.8%) and Management (16.6%). However, the new figures are still too low. In Quebec, the proportion of Anglophones remains very low, although there too we note a slight increase to 4% from 3.3% in 1987.

Last year, we stated that the Department had put into place the basic infrastructure of a language of work program. To ensure that the infrastructure is solid, it is important that the Department proceed rapidly with the contemplated language of work survey, which is already somewhat overdue. One important element which needs exploration is whether employees can use both English and French freely in meetings, and the survey would shed light on the question. The additional controls we called for last year on other aspects of language of work still need to be put in place.

In 1988 we received 66 complaints against the Department, compared to 58 in 1987. Fitness and Amateur Sport was the subject of 15 of them, compared to six in 1987: all concerned service to the public — nine regarding the World Junior Track and Field Championships in Sudbury, three, the organization of the 1991 Canada Games in Charlottetown, and three, service by associations receiving funds from the Branch. Of the 51 complaints against other sectors of the Department, one concerned language of work and the rest involved language of service. Most of the complaints in the latter group touched on advertising and publicity, telephone service (especially in Toronto) and correspondence.

The Department was relatively quick to correct the more minor complaints, but it was slower to come to grips with more complex policy or procedural questions. Communications with the Department were difficult at times, and our requests for information were not always given proper attention.

National Library

The National Library offers first-class service to the public and manages its official languages program well. However, it has some language of work and equitable participation weaknesses.

The Library has no difficulty serving its clientele in both official languages; 204 of its 231 bilingual positions involve service to the public and the incumbents of those positions meet the language requirements. However, it would be useful if the institution again canvassed the public to determine whether it was satisfied with the service provided.

Despite a strong Francophone presence among Library staff, English essentially remains the language of work at almost all levels, with some variation from unit to unit. Since 84% of bilingual supervisory positions require only intermediate second-language skills, it is not surprising that many Francophones work in English. Francophone employees are required to have superior second-language skills, a level higher than that required of Anglophones. In addition, not all work instruments and central services are bilingual, a fact which also hampers the use of French. Although meetings are held in both languages in some branches, Management Committee meetings take place in English only.

Even taking into account that a large proportion of Library staff is recruited solely in the National Capital Region, where there is a high concentration of Francophones, the overall participation of the two language groups is unbalanced with 37% Francophones and 63% Anglophones. Anglophone participation is particularly low in the Administrative Support category (120 out of 233, or 51.5%).

Official languages objectives are integrated in management's operational plans. Each year one particular aspect of official languages policy is closely scrutinized, and senior managers are evaluated in that area. Senior management ensures that the program is properly administered through internal audits and an annual progress report.

In 1988 we received only one complaint, concerning language of work. The National Library quickly resolved the matter.

National Museums

The organization of the National Museums of Canada has undergone major changes since our last evaluation in 1986. The transfer of powers from the Corporation to the four museums is now complete in fact if not in law. Museum officials expect that the legislative process making each museum an autonomous Crown corporation will be completed by April 1989, at which time the National Museums Corporation will be officially dissolved. In view of this new reality, we will deal with each museum as a separate entity.

The **National Gallery of Canada** has survived the excitement of the ceremonies associated with the opening of its magnificent new home and has been providing bilingual services of generally good quality to its many visitors. The majority of the Gallery's 176 (of 259) bilingual employees possess intermediate level language skills, which it deems adequate for its purposes. Security and food services are provided by private companies whose contracts contain language clauses, and the linguistic quality of their services is monitored regularly by a senior manager.

On the language of work front, steps have been taken to increase the awareness of managers by providing them with a *Manager's Guide* describing their language obligations. About 75% of managers in bilingual positions meet the language requirements, most of which are only at the intermediate level. In our view, the superior level is required for most supervisors to be effective in both languages, and we urge the Gallery to upgrade the requirements. Language training, which was suspended during the move to the new building, is being stepped up. A good starting point in this regard would be the Technical Services Division where, because of a lack of bilingual supervisors, French is rarely used at work.

Francophones account for a rather high 34% of the Gallery's staff. However, the Gallery will need to increase Francophone participation in the Technical (15%) and Scientific and Professional (18.5%) categories and the Anglophone presence in the Administrative and Foreign Service category (61%).

The Gallery's official languages program is managed through a system of memoranda of understanding between the Director and the various managers, who are held accountable for their performance.

Eighteen complaints were lodged against the Gallery in 1988. One concerned language of work and a second was about program management. The others touched on various aspects of language of service such as guides, security guards, publicity, and restaurant and bookstore services. Most of them were brought to our attention when the new building opened and during the busy summer that followed. All were promptly resolved.

The **Canadian Museum of Civilization** is carefully preparing all aspects, including language ones, of its move to a new building in Hull, where it plans to open in June 1989.

Regular museum services are generally offered in English and French. To ensure delivery of bilingual services, the Museum is staffing public contact positions with linguistically qualified personnel only, and is taking steps to upgrade the general level of knowledge of French among employees by asking bilingual staff to help their colleagues practise that language.

Museum employees have access to central and personnel services, as well as work instruments, in both languages. However, some Francophones still have difficulty working in their language because of the general scarcity of bilingual supervisors in the scientific and technical sectors. On the other hand, all managers are now required to attain the superior level of language skills in reading and speaking, an approach which should improve the situation.

The dismantling of the National Museums Corporation probably had a direct influence on the high Francophone participation rate in the Museum (39.9% or 143 of 358). Many Francophones chose to join the CMC because of its new location in Hull. The Francophone presence among senior managers (4 of 7) is a marked change from 1987, when there were none. The Museum was unable to provide overall figures on participation in the various job categories because of the enormous effort required to prepare for the 1989 opening.

The Museum manages its official languages program through memoranda of understanding between the Director and managers. All service to the public and supervisory positions have superior profiles in both languages, and all staffing actions are reviewed to ensure conformity with the memoranda of understanding. The management of the program has remained with National Museums' chief of official languages to help ensure full bilingual capacity when the museum opens.

In 1988 the museum was the subject of five complaints concerning telephone reception, exhibit labels, a news release, a speech and publications. All were resolved by year's end.

The **National Museum of Natural Sciences** is not moving, but it will take over the other half of the Victoria Memorial Museum Building being vacated by the Canadian Museum of Civilization.

This Museum offers its services actively through bilingual signage and telephone and visitor reception. Correspondence is in the language of the client, and publications for visitors are, for the most part, in both languages. More than half its 212 employees are bilingual, and the number of positions requiring only the elementary level of language skills has decreased, a move in the right direction.

As a general rule, the work environment is conducive to the use of both English and French. The Senior Management Committee sets a positive tone by holding its meetings in both languages. However, in the Scientific and Professional sector, the small number of Francophone scientists makes it next to impossible for French to flourish as a language of work. Central and personnel services, training courses and work instruments are available in both languages, but some computer software packages and their associated manuals exist only in English.

Fifty-eight of the Museum's 212 employees (27.4%) are Francophone, a reasonable figure, but their numbers are far too low in the Scientific and Professional (3 of 40, or 7.5%) and Technical (13 of 63, or 20.6%) categories.

Memoranda of understanding form the basis for managing the Museum's official languages program. Managers must also submit quarterly reports on the language situation in their sections, an effective monitoring tool.

The Museum was the subject of only one complaint in 1988, concerning unilingual aspects of an exhibit on loan from an American institution.

The **National Museum of Science and Technology** is neither moving nor occupying new space, but it is going through an upheaval of sorts in the form of a major reorganization. This did not prevent it from providing bilingual services of good quality to 900,000 visitors in 1988, at least half of whom were Francophone.

Signage, telephone reception and security services are in both languages, as are most publications. There was, however, one problem concerning a publication. A book on the Canadian National Aviation Museum was offered for sale in English only when the museum opened in June, while the French version only became available some four months later. The Museum will need to be more careful when planning such publications which, according to its own policy, should be available simultaneously in both languages.

Eighty-seven of the Museum's 175 occupied positions are bilingual and 75 of the incumbents, most with intermediate second-language skills, meet the requirements of their positions. Managers and supervisors are required to attain the superior level in reading and speaking.

As a matter of principle, employees can draft documents in the official language of their choice. In practice, little work is prepared in French, although some

co-drafting in both languages of the museum's new administrative policies and procedures began in the latter part of 1988. The Senior Management Committee sets the right example by conducting meetings in both languages. Central and personnel services, as well as most work instruments, with the exception of certain computer manuals, are available in English and French.

Francophones account for a rather high 38.9% (68 of 175) of employees. The Museum was unable to provide data on participation in the various employment categories.

As with the three other museums, the NMST manages its official languages program through memoranda of understanding between the Director and managers, who informally monitor progress periodically. However, official languages objectives are not yet integrated with operational plans.

Three complaints involving service to the public were lodged against the Museum in 1988. The Museum was prompt and co-operative in reacting to them.

National Revenue (Customs and Excise)

National Revenue (Customs and Excise) maintained its usual good performance in official languages in 1988. Despite continuing staff reductions, the Department increased the number of bilingual employees and sought innovative means of offering service in both languages. Nevertheless, there are still too few bilingual employees outside Quebec. In the language of work area, the Department has continued its efforts to encourage the use of French, notably by requiring greater bilingual capability of supervisors. The participation of Anglophones and Francophones is balanced overall, although regional and hierarchical anomalies persist. Senior management has clearly demonstrated its commitment to official languages by allocating enough staff and resources to the program.

The Department reports success in its pilot project to offer bilingual service at a designated booth at two border crossings. As part of the project, the Department installed bilingual service signs at these locations, thus making some progress in resolving the long-standing problem of signage on some international bridges and tunnels. A significant number of travellers requested service in French when it became clear that such a request would not cause delay or embarrassment. The Department should extend this project over the next few years to other Customs offices. Indeed, the 1988 Official Languages Act clearly requires federal agencies to offer service actively in both official languages where demand is significant.

The Department is presently examining its commercial operations after studies at some locations indicated that commercial truck drivers crossing the border are much less likely than tourists to be offered service in French, or to receive it if they ask. This situation arises in part because American commercial documen-

tation is normally completed in English. In our view, the fact that documents are in one language should not deny truck drivers the possibility of speaking to Canadian officials in the other language.

Once again, the Department hired a large number of bilingual students (217 of 611, or 35.5%) to help meet the greater summer demand.

For language of work purposes, the Department is continuing to raise the language requirements of management positions and those providing central and personnel services. At present, more than one-quarter of management positions in designated bilingual regions require a superior level of knowledge in both languages. Even more encouraging, the Department is hiring greater numbers of linguistically qualified staff for such positions. Of supervisors in the National Capital Region, 286 of 359 (79.7%) meet the language requirements. The Official Languages Division is conducting a study of the use of French at headquarters.

The Department has taken steps to ensure that Francophone employees can receive training in their preferred language. Given the different proportions of Anglophones and Francophones, the Customs College at Rigaud will conduct courses in French with fewer participants than it requires for English courses.

Anglophone and Francophone participation is equitably balanced. Overall, 73.5% of the 9,808 employees are Anglophone and 26.5% are Francophone. To a great extent, this reflects their even distribution across Canada: over 80% of staff work in areas outside the National Capital Region. Nevertheless, there are still some anomalies. Anglophones hold disproportionately few positions in Quebec (7.2% of 1,836), especially in Montreal, although their participation has improved marginally since 1987. Customs and Excise is participating in an interdepartmental committee in Quebec which is seeking ways to recruit more Anglophone staff. On the other hand, the proportion of Francophones in the Management category remains somewhat low at 21%, up from 19% in 1987.

Over 100 employees (1.1%) have been cut from the Customs and Excise staff in the past year, thereby limiting managers' ability to address official languages problems through hiring or language training. In overall terms, 2,926 of the 3,201 employees (91.4%) in bilingual positions met the language requirements, virtually the same number and proportion as in 1987. In some regions, however, the number of bilingual positions and qualified incumbents increased significantly in 1988. Unfortunately, the greatest gains were registered in regions where the bilingual capability was already high, in Montreal and other parts of Quebec. Southern Ontario still has a low bilingual capacity: only 178 of 2,425 positions (7.3%) require a knowledge of both languages and 165 employees met this requirement. However, the Department increased by 28 (18.7%) the number of bilingual positions in this area. The bilingual booth project should also help improve services in southern Ontario offices.

The official languages program at Customs and Excise is strong. The regular monitoring exercises which program staff conduct allow the Department to identify problem areas and to improve managerial accountability. Managers have been given more authority and are now more responsible for official languages. Program staff conducted 77 information sessions on official languages in 1988, in which more than 1,000 employees across Canada participated. The program also offers a wide variety of language training opportunities, including second-language training on-site at some Customs posts; in 1988 more than 600 employees took some form of second-language training. The number of resources, and senior management's commitment to the official languages program, explain to a large extent why the Department is able to maintain its good performance in this field.

We received 22 complaints in 1988, compared to 17 in 1987. Of these, 19 came from members of the public, most of them travellers who had not been served in French at Customs posts. Three complaints were filed by employees who had experienced difficulty working in French. The Department resolved most complaints promptly and effectively.

National Revenue (Taxation)*

To a large extent, National Revenue (Taxation) honoured the commitment it made before the Standing Joint Committee in late 1987 to revitalize its official languages program. It began correcting persistent weaknesses in collection and audit services and took steps to ensure greater use of French at headquarters. Official languages program management also improved. Despite this progress, weaknesses persist, in particular the Department's low bilingual capability in the West.

As regards service to the public, we commend the Department for amending its "Declaration of Taxpayer Rights" to include specific reference to the right to be served in either official language. The poor bilingual capability of departmental auditors improved somewhat during 1988. The Toronto region now has 10 bilingual auditors out of nearly 660, compared to two in 1987, and the Halifax region three. Vancouver and Edmonton have one each, compared to none last year. Three of four district managers in the Toronto region are now bilingual.

The Department provides bilingual services in 43 offices across the country. In 18 of those offices, it has separate telephone lines for French service.

It has also introduced in an effective way the new Treasury Board symbol to indicate that service is available in both official languages. Departmental representatives continue to meet with official language minorities to determine their needs and inform them that bilingual services are available. Still on a positive note, the second-language requirements of roughly 100 positions have been raised from the elementary to the intermediate level.

The Department should nevertheless continue its efforts to improve service to the public. Despite a slight increase in bilingual staff in the West, the latter still constitute slightly less than 2% of some 4,800 employees. Only three of 203 employees in Regina and 10 of 618 in Edmonton are bilingual. Similarly, there are only 39 bilingual employees of a total of 2,444 in Toronto. Although the Atlantic region's showing is fairly good on the whole, only 10 of the 368 employees (2.7%) of the taxation centre in St. John's are bilingual, despite the fact that the centre processes tax returns from all four Atlantic provinces, including some 70,000 (5% of the total) filed in French.

The overall percentage of bilingual positions rose slightly, from 19.9% in 1987 to 21% in 1988, and incumbents who met the language requirements of their positions remained at a satisfactory level of about 90%.

The Department should pay particular attention to the quality of the French used on forms widely distributed to the public. We received a number of complaints about this matter this year, several concerning Form TD-1 (Personal Tax Credit Return). The Department acknowledges that there are some problems in this regard and has promised to take the necessary corrective action.

The Department took steps to ensure greater use of French in the work place, particularly at headquarters. Senior management made it clear to managers that French must be used more at work. Information was distributed to all employees reminding them of their rights in this regard. The number of supervisors meeting the language requirements of their positions rose by an impressive 15% from 1987, to 84.5%. That was a major step, since the Department's many unilingual supervisors had become a major barrier to greater use of French. These efforts should continue; English still dominates markedly in certain activities, especially meetings. In New Brunswick, the situation is satisfactory at the Bathurst office, but French is in limited use in Saint John because of the inadequate language skills of some supervisors.

Employees generally receive central and personnel services in their own language. On the whole, the Department also does well in providing training courses in both languages, offering one-quarter of its courses in French. Unfortunately, individual study courses on writing were offered in English only.

In general, participation by the two language groups remained satisfactory. Anglophone employees make up 73% of departmental staff, Francophones 27%. There was also an adequate balance in the various occupational categories. In the Scientific and Professional category, the Department's 3,000 Francophones are now 23.6% of the total, compared to 22.6% in 1987. Major imbalances persist in Anglophone participation in Quebec and Francophone participation in the West: Anglophones constitute 4.3% of the staff in Quebec (131 of 3,036), Francophones only 1.3% of employees in the West (62 of 4,779). An action plan has been prepared to improve Anglophone participation in Quebec.

We observed a distinct improvement in official languages program management this year. A staff of nine is now assigned to this task at headquarters, in addition to five program co-ordinators in the regions. The Department is thus able to ensure more effective control of its program in the various areas of activity.

We received 36 complaints against the Department in 1988, compared to 59 in 1987. All concerned language of service. Of that number, eight focused on coding errors made in processing taxpayers' language preferences. Seven dealt with the quality of French used on certain forms. The others concerned a lack of French telephone and counter service. The Department co-operated well in settling the complaints, all of which were resolved.

Petro-Canada

Petro-Canada continued with official languages reform in 1988 at a steady but slow pace. Greater attention to program management, particularly co-ordination and controls, would speed up implementation of the measures required if there is to be improvement in the level of service to the public and in language of work and participation.

As to service to the public, the Corporation did well by using both English and French in several new marketing programs. The campaign for its new gasoline was prepared and launched in both languages. The same was true of the new credit approval system which prints bilingual receipts. The Corporation also announced its Right-Riders program and distributed information kits in the schools in both languages. Among its other achievements, the Corporation improved its credit department's capacity to serve customers in their preferred language and continued to make grants to social, cultural and athletic associations of both official language communities. The Corporation also ensured that both language communities were contacted concerning activities arising out of its sponsorship of the Winter Olympic Games torch relay.

The Corporation now has 652 service stations designated for bilingual signage, 18.9% of its network. Signage, however, does not guarantee service. To correct this problem, the Corporation distributed a booklet and cassette of commonly used phrases and expressions in both languages to the employees of its nominally bilingual service stations, and it introduced a toll-free telephone service to enable customers across Canada to obtain information in their preferred official language. Contrary to our expectations, and despite a study on the subject, the Corporation has yet to expand its criteria for determining which stations should have bilingual signage. It continues to post signs in both languages only in communities where the official language minority represents at least 10% of total population. We hoped that that figure would be lowered to 5%. Even in New Brunswick, which is officially bilingual, only 53 of 84 service stations (63.1%) have bilingual signage.

Petro-Canada was unable, as in the past, to provide specific figures on such important matters as supervision, meetings and performance evaluations. The Corporation devoted most of its efforts to making its internal publications, work instruments and professional training activities bilingual. Despite that effort, a number of courses are not offered in French and, as far as we are aware, only three of its computer systems are bilingual. Petro-Canada should pay special attention to the personnel and administrative services it provides in bilingual regions, to ensure employees are always given the opportunity to use either official language.

The Corporation conducted a new survey on participation. Only 879 of its 7,308 employees (12%) are Francophone. Of that number, 705 (80.2%) work in Quebec and there are no Francophones on staff in some regions of the country. The same imbalance exists in senior management, where only 14 of 170 executives (8.2%) are Francophone, and in middle management where only 40 of 418 employees (9.6%) are Francophone. The Corporation should review the situation in its Resources Division, where Francophones make up only 1.2% of staff (17 of 1,411). We hope that Petro-Canada will continue the effort it began in 1988 in the framework of its university recruitment program, and that it can thus correct some of its participation imbalances.

Official languages program administration is another area where Petro-Canada should be more energetic. Its implementation plan would become an invaluable tool if it included co-ordination and control measures. Periodic audits of language activities for which managers are responsible would enable Petro-Canada to evaluate their implementation more effectively and to correct problems quickly. In our view, program staff is still inadequate. At year's end, it consisted of the Director and his secretary at headquarters, and an Ottawa-based employee responsible for complaints investigations.

We received 24 complaints against Petro-Canada in 1988, compared to 32 in 1987. Six dealt with signage at service stations (including unilingual instructions on pumps), seven with commercial advertising and five with recruitment announcements. These types of complaints are settled slowly and with difficulty. Complaints concerning correspondence and telephone service, however, were settled quickly.

Public Service Commission

The Public Service Commission takes its official languages responsibilities very seriously and its language performance in service to the public and language of work is commendable. The same cannot be said of its French-language professional training and of its participation levels, where serious problems persist.

It is fairly easy for the Commission to serve the public in both official languages since 90.4% of its employees (1,547 of 1,711) meet the language requirements of their positions.

Employees are generally able to use either language in communicating with their supervisors and obtaining central services. The Administrative Services and Financial Services Directorates reviewed their bilingual capability in 1988 and reminded their managers that they will be held accountable for providing services in both languages.

The Commission is working hard to make its computers bilingual. Three additional French programs were acquired in 1988, and terminals and printers linked to the Department's mainframe can now produce French accents.

Senior management is aware of the Department's participation weaknesses and has set concrete objectives to correct them. However, since staff has been cut, it is difficult for the Department to improve the situation. Anglophones are still only 36.8% (773 of 2,099) of staff, a level we find too low. Even excluding Language Training Program personnel, who are mainly Francophone teachers of French, Anglophone participation stands at only 43.9% (688 of 1,567). Their presence is particularly small in the Administrative Support category (34.6%).

French-language professional training is still a serious problem. Francophone public servants are often deprived of training in their language because courses in French are frequently cancelled and course selection in French is limited. In the first nine months of 1988, 55.4% of courses offered in French were cancelled, but only 26.2% in English. The Commission reviewed the situation and tried to determine why participants register for courses in a particular language. Although it has set special limits for the number of candidates for some courses in order to provide more courses in French, the situation remains a problem.

We received 21 complaints against the Commission in 1988.

Public Works

The Department of Public Works has improved considerably since 1986. Worthwhile steps have been taken in several areas, but the difficulties encountered by Francophones who wish to work in French and the abnormally high proportion of employees and supervisors who do not meet the language requirements of their positions are two problems which need attention.

A draft policy governing the production of calls for tender, which fulfils the requirements of one of our 1983 audit recommendations, has been prepared. It is more flexible than the former policy and requires that all documents in the tendering process, including plans and specifications, be provided in both

official languages in the National Capital Region, northern New Brunswick and metropolitan Montreal, as well as anywhere in Canada where advertising is likely to attract minority language bidders. Calls for tender and expropriations are now advertised in both languages everywhere in Canada, and are also regularly placed in the minority language press. When problems in this regard occurred in Nova Scotia, the Department acted quickly to resolve them.

Of 7,987 employees, 1,798 (22.5%) occupy positions requiring a knowledge of both official languages. For the most part, they are located in the National Capital Region, New Brunswick, Quebec City and Montreal. Of particular concern is the fact that 401 (22.3%) of the employees in question do not meet the requirements of their positions, most of which call only for the elementary (16.3%) and intermediate (72.5%) level language skills.

In principle, both English and French can be used as working languages within the Department. However, the Department recognizes that Francophone employees outside Quebec frequently find it difficult to put theory into practice. To encourage greater use of French in the work place, the Department has created a special service which provides help for Anglophones wishing to draft in their second language. The service has also benefited a number of Francophones seeking to revive their occasionally rusty mother tongue writing skills. The Department also takes pains to ensure that employees are free to take management and other training courses in their preferred language. If necessary, it pays travel and living expenses to guarantee access.

At lower levels in the Operational category, bilingual supervisors are a rare commodity. However, a new language course for Operational category supervisors has been developed at Algonquin College to help the Department correct this problem. To allow for recruitment from both language communities, and to make it possible for employees to use their language on the job, the Department organizes work teams on the basis of language, and all positions at these levels are "reversible" in that they may be filled by a person speaking either English or French. The employee is therefore assigned to a group that works and is supervised in his or her language. This strikes us as an innovative solution to a difficult problem.

All the above are laudable measures, but they cannot by themselves create a work environment that is truly conducive to the equitable use of both languages in all sectors of the Department. To make additional gains, it must find ways to encourage more of its managers to become bilingual. At present, 27.2% of them (211 of 775) do not meet the language requirements of their positions. Under these conditions, it is understandably difficult to establish a viable and fair language regime.

Francophones make up 27.3% of the Department's staff, an especially interesting point since half of all employees are located outside the National Capital Region

and Quebec. In the regions, the number of Francophones is slightly low everywhere except in the National Capital Region, northern and eastern Ontario and Quebec. There are insufficient numbers of Francophones in Management (21.1%) and in the Scientific and Professional category (18.3%). In Quebec, however, Anglophones make up a mere 1.5% of the total. We realize that participation imbalances can only be adjusted gradually. Nevertheless, we urge the Department to take whatever steps it can to ensure that the composition of its work force tends to reflect the presence of both language groups in the various locations it serves.

Departmental supervisors and senior managers are held accountable for their official languages performance, and the internal audit group scrutinizes management of the program. We are also pleased to note that the staff of the Official Languages Branch, which we judged to be inadequate in our 1986 Report, has increased from three in 1987 to eight in 1988, and that each of the six regions now has its own bilingual program co-ordinator.

In 1988 the Department was the subject of 29 complaints, two more than in 1986. Twenty-seven of them touched on various aspects of language of service such as signage, correspondence and telephone reception. Two others concerned language of work and the management of the official languages program. The Department responded to all these complaints in a prompt and efficient manner.

Regional Industrial Expansion

A major reorganization is currently under way at the Department of Regional Industrial Expansion. Some regional staff have been assigned to the Atlantic Canada Opportunities Agency and the Western Economic Diversification Office, and the Ministry of State for Science and Technology has been amalgamated with the Department. A new department to be known as Industry, Science and Technology Canada is emerging from this realignment and legislation, still in the drafting stage, will provide a new mandate.

These are the circumstances in which DRIE is trying, more or less successfully, to continue the implementation of its official languages program, which does have a certain amount of momentum. A follow-up report published in 1988 reveals that most of the recommendations we proposed following our 1985 audit of Tourism Canada have been implemented.

Generally speaking, DRIE provides service in the client's official language over the telephone, in person and in writing. However, there has been an occasional lapse in bilingual telephone reception. Of DRIE's 1,869 positions that provide service to the public across Canada, 1,141 (61%) are bilingual. Except in Manitoba and Prince Edward Island, more than 80% of the incumbents met the requirements of their positions. However, some of these employees still have

difficulty providing service in French because of the specialized terminology involved. DRIE regularly publishes advertisements in both the English and French press. The Department would be in a better position to determine the requirements of the official language minorities, particularly business groups, if it consulted them to a greater extent.

Within the Department it is possible to work, to be appraised and to receive training in both languages. Unfortunately, as a result of the environment in DRIE, too few Francophone employees, notably in the National Capital Region, choose to use French regularly and systematically. However, the proportion of supervisors meeting the language requirements of their positions rose by 0.8% from last year to 81.8% (341 of 417). The Department has pointed to another encouraging indicator, a significantly greater use of French in drafting documents. The volume of French-to-English translation doubled this year, and a new directive provides that all documents may now be submitted to the Management Committee in the language of the author.

Few financial administration services are offered in both languages. Likewise, even though a Treasury Board pamphlet on chairing bilingual meetings had been distributed, two presentations on security policy and access to information were made in English only to headquarters staff, the kind of slip not observed in previous years. In general, administrative and personnel services are provided in both languages. Also worthy of note is the internal audit group's language capacity, which improved following a number of temporary assignments to the unit.

DRIE communicates with all regions in both languages. Memos, directives, circulars and bulletins are also bilingual, as are all manuals except those concerning computers. The Department conducted an exhaustive assessment of its future bilingual requirements with respect to computers, and announced the implementation of some recommendations. Henceforth, bilingual capacity will be introduced at the same time as new systems are acquired or developed.

In 1988 Francophone participation rose by 1.5% to 33.3% (826 of 2,478), a figure that appears to reflect staff distribution after reorganization, as well as the Department's mandate. DRIE appointed 139 Francophones (39.6% of 351) in 1988. Unfortunately, most of them were in the Technical and Administrative Support categories, where Francophone participation, at more than 40%, is already too high. On the other hand, only 52 of 241 employees (21.6%) in the Management category are Francophone. In the regions, there are too few Anglophones on staff in Quebec (17 of 308, or 5.5%) and too many Francophones in New Brunswick (38 of 76, or 50%).

Weaknesses have begun to show in certain aspects of program implementation. The approval and distribution of the new departmental policy on the 1988 Official Languages Act have been delayed and, accordingly, information on the

program provided to managers is inadequate. Controls are maintained only for structural and administrative aspects of the program, such as data on position identification, language training, the administration of tests and equitable participation. The official languages program is still not included in internal audits. Only four employees are assigned full-time to program management, which makes it difficult to inform and consult managers and employees as required by the Act.

We received seven complaints against the Department in 1988, three more than in 1987. The Department co-operated well in settling them.

Royal Canadian Mounted Police*

The present Commissioner of the Royal Canadian Mounted Police began his term in September 1987 with a strong statement of support for the Official Languages Act. The result was a consistent approach to official languages in 1988, avoiding the shifts in policy and programs which had caused so many problems in the past. The level of bilingualism among Force members is increasing gradually, thanks to recruitment of bilingual staff and an ambitious language training program. French is still little used as a language of work at Headquarters, principally because of inadequate levels of bilingualism among supervisors and the widespread use of computer systems which function largely in English. The participation of Anglophones and Francophones is gradually becoming more balanced, and both groups continue to have equal employment opportunities.

The RCMP will have to develop better than minimal capacity in French if it is to fulfil its obligations under the 1988 Official Language Act. In its role of police force at the federal, provincial and municipal levels, it will need the capacity to communicate in both official languages when the safety or security of the public are at stake, or when the nature of its offices or facilities make it reasonable that it do so. The requirement for French-language capacity is made even greater by the fact that its members are moved from one region to another. The Force is relying on the long-term incremental effects of two programs to increase its level of bilingualism: recruitment of bilingual candidates and an ambitious language training program for all unilingual recruits.

In 1987-88, 41% of constable recruits were bilingual, up from 36% in 1986-87. Under the Cadet Official Languages Training Program, all unilingual recruits are given 200 hours of second-language instruction before they begin police training. Those who show aptitude may continue until they attain the intermediate level.

Although this attention to members must clearly be its first priority, the RCMP would also do well to pay greater attention to the language skills of its public

servants, most of whom are in administrative support positions and are frequently the public's first contact. Complaints to this Office indicate that many of these public servants have difficulty offering service actively in both languages and following through. Only 22% of these public service positions are designated bilingual, most of them at Headquarters. There are no bilingual Public Service positions in British Columbia, Alberta, the Yukon or the Northwest Territories. The situation is made more difficult by the fact that many receptionists and secretaries working for the RCMP are employees of provinces and municipalities where the Force provides police services on contract. The RCMP is examining the possibility of adding a clause to its contracts with other levels of government to ensure respect for federal language policies.

In New Brunswick and the bilingual regions of Quebec and northeastern Ontario, the RCMP is able to serve the public in both languages with little difficulty. In all regions, offices in areas with a significant demand for minority language services are required to identify a percentage of staff who must be bilingual. "Significant demand" areas include any region where the minority official language population is over 500 or more than 5% of the total, and areas with large numbers of travellers, as along the Trans-Canada Highway.

Nevertheless, overall language capability has not kept pace with requirements. Of the RCMP's 16,834 members, 3,700 are bilingual (22%). Four-fifths of them are at Headquarters or in bilingual regions, leaving only 807 bilingual members to provide service in the four western provinces, the Yukon, the Northwest Territories and the three easternmost Atlantic provinces. Since most members in these areas are unilingual, procedures for referring the public to alternative sources of service are crucial. Complaints about unilingual officers on highway patrol show that arrangements to provide service in French are cumbersome and are not always followed.

French is virtually unused as a language of work outside Quebec and some parts of New Brunswick. Our 1988 audit at RCMP Headquarters found that some central services had difficulty dealing with regions in French. The Health Services Directorate still has no bilingual members although the linguistic capability of public servants in the unit is high. This is serious, given RCMP policy that health services be dispensed to members in both official languages across Canada. The Office of the Chief Financial Officer has only three bilingual members out of 26, but has been making efforts to improve its bilingual capability through language training.

Bilingual capacity among supervisors at Headquarters is low but continues to improve steadily. Our audit found that 53.5% of supervisors in bilingual positions met the language requirements; among regular members the rate was 49%. This represents a significant improvement of 11% overall and 18% among members since our 1984 audit. However, that almost half of the supervisors do

not meet the requirements for bilingualism remains a major impediment to a wider use of French at Headquarters.

We have reservations about a recent decision to apply to language of work situations a system designed to identify the language requirements of units providing service in unilingual regions. Under this system, a percentage of supervisory level positions in bilingual regions is identified as requiring a knowledge of both languages, and the incumbents are to provide supervision in the minority language to all employees who need it. In real life, however, staff deal with their own supervisors in the latter's language. Since the 1988 Official Languages Act clearly sets out the right of personnel in bilingual regions to work in their preferred language, the RCMP should carefully monitor its policy in this area. The RCMP will be reporting to Treasury Board next year on the success of this initiative, and should examine the problems of supervision in detail.

The RCMP's widespread reliance on computer systems which function principally in English has had a negative effect on the use of French at work. The Informatics Directorate, which provides functional support for most systems, has less than 10% bilingual capacity (57 of 642 employees in Ottawa). Computer manuals and training are usually available in English first and in French later, if at all. At least one major data bank used by police forces across Canada and coordinated by the RCMP is maintained in English only. This would mean that if a police force in Quebec sent in a report in French, it would need to be translated before being entered in the data bank. If another police force in Quebec then wanted it in French, it would have to be re-translated. We have brought this situation to the RCMP's attention and are awaiting their reply.

The major step taken in 1988 to encourage use of both official languages at work was the RCMP's implementation of a policy to provide basic training in a recruit's preferred language. Two of 23 troops recruited this year received all their training in French and another two in both languages.

The RCMP is increasing the percentage of its Francophone members while at the same time respecting its commitment to recruit a major proportion of its members in the West, where most are stationed. In 1987-88, 30.3% of the regular members recruited were Francophone, bringing their participation rate to 15.8% from 15.3% the previous year. The Force's objective for the participation of Francophones among regular members is 20.8%, which it can realistically expect to achieve within seven years. A higher proportion of special constables (582 of 1,732, or 33.6%) are Francophone, no doubt because many are recruited and located in the National Capital Region. Overall, 17.8% of RCMP members are Francophone.

The RCMP has deployed its members across Canada in a manner that generally reflects the linguistic make-up of the local population. In each province, the

proportion of members of the minority official language equals or exceeds their presence in the local population. In Quebec, 26% of members are Anglophone and in New Brunswick 45% are Francophone.

Individual managers are responsible for administering most aspects of the official languages program, including determining language requirements for their units. This practice has led to some inconsistencies in program management which members of the Force brought to our attention.

On the positive side, internal auditors now meet with representatives of minority official language communities to determine whether service in both languages is available and actively offered. As well, RCMP staff in most provinces maintain regular contact with minority official language groups to solve problems as they arise.

In 1988 we received 32 complaints about the RCMP, compared to 38 in 1987. Of these, 16 dealt with service to the public, nearly half of them concerning telephone reception and service; five related to direct contacts between RCMP officers and members of the public, most frequently during traffic patrol. RCMP members submitted seven complaints about language of work, most of them dealing with internal documents circulated in English only in bilingual regions. The other nine complaints concerned the management of the program and equitable participation.

Secretary of State*

In 1988 the official languages performance of the Department of the Secretary of State was above the average for federal institutions. Although it occasionally failed in its obligations, the Department remains one of the leaders in language matters. Nevertheless, the weaknesses we noted in the Citizenship Court require stringent measures.

We are conducting a language audit of the Court, which has been the subject of a number of complaints in recent years. With only 10 of 41 judges bilingual, the Court is too often unable to provide equal service in both languages. In those instances, it is sometimes incapable of complying with the Citizenship Act provision that judges must determine whether an applicant for Canadian citizenship has adequate knowledge of one of Canada's two official languages. In the spring of 1988, however, the Department distributed up-to-date guidelines on the use of both languages to all judges and employees and is now giving several judges work-related French courses.

As to the Department as a whole, a commitment has been made to staff regional director positions with candidates who already have superior second-language proficiency. As a result, minorities will receive service of equal quality in their

official language across the country. We expect that managers will monitor services to ensure they are actively offered in both languages. This type of control measure would help prevent complaints about telephone and reception services.

The Department has at last revised its administrative procedures to ensure that collection agencies responsible for recovering student loans deal with students in their preferred official language. The same is true of Justice Department representatives who provide legal services in respect of such loans. These procedures will have to be rigorously monitored because, even though they have been circulated, we have received two more complaints concerning the failure of a collection agency to provide service in the debtor's language.

Generally speaking, employees are able to work in their preferred official language, thanks largely to the fact that 91% of incumbents of bilingual positions with supervisory duties meet the requirements. All training and development courses are offered and presented in both languages. Nevertheless, we received two complaints about language of work. The first was occasioned by the Department's sending a document in English only to Anglophone and Francophone employees of other departments for consideration at a meeting. After our Office intervened, a French document, of lesser quality than the English original, was distributed to participants at the start of the meeting. The second complaint concerned the cancellation of interpretation services that had been promised. This seems to be a fairly widespread problem. The Department commissioned a two-part study on the subject. The first part, now completed, evaluated the translation and interpretation program; the second, currently under way, will review proposed recommendations to correct weaknesses.

Participation by both language groups was fairly stable in 1988. Excluding the Translation Bureau, where the vast majority of employees are Francophone, only 51% of staff is Anglophone, a decline of 1.1% from 1987 and 3.5% from 1986. There is a particular shortage of Anglophone employees in the Administrative Support (44.5%) and Technical (43.3%) categories. The Department must take the necessary steps to achieve more equitable overall participation by both groups.

Although managers are evaluated for official languages program implementation, the Department should exercise this type of control in a more stringent manner.

We received 30 complaints against the Department of the Secretary of State in 1988, compared to 22 in 1987. Twenty-eight dealt with language of service, and two with language of work. The Department's Official Languages Branch has taken the happy initiative of making managers responsible for settling complaints and is increasing control in this area.

Senate

The Senate Administration continued to provide bilingual service of good quality to Senators and to numerous visitors in 1988. It also took steps to improve the management of its official languages program, but stopped short of producing the action plan which we have repeatedly called for and which will be necessary to correct the problems with language of work and equitable participation.

In 1987 we reported that over three-quarters of employees in bilingual positions met the language requirements. In 1988 this proportion dropped significantly as a result of a more stringent evaluation of language skills. Thus, using the new evaluation standards, only 54.1% (131 of 242) of employees occupying bilingual positions met the language requirements. This means that only about one-third of the Senate's 391 employees are bilingual. In spite of this apparent handicap, Senate telephones are answered in both official languages and guided tours are offered in English or French. Witnesses appearing before Senatorial committees can of course use either language, thanks to an efficient simultaneous interpretation service. However, we are concerned that 41.7% (25 of 60) of security guards, whose jobs include greeting visitors and witnesses, do not meet the language requirements of their positions. Our regular visits to the Senate do, however, indicate that bilingual guards are properly assigned to public contact positions.

The Senate administration must come to grips with a number of stumbling blocks which make it difficult for Francophones to work in French. Among supervisors, 43.1% (25 of 58) do not meet the requirements of their positions and are unable to supervise employees in their preferred tongue. No language of work objectives have been set for managers; accordingly, they are not held accountable for performance in this area. As a result, although Francophones constitute a majority of the Senate's employees, French is not used as widely as it should be in the work place. On the other hand, most work instruments such as manuals, computer software and management directives are in both languages, and central and personnel services, as well as most training courses, are available in English and French.

The Senate was able to provide us with accurate participation data this year, and the figures are worrisome. In overall terms, Francophones account for a much too high 55% of employees, and Anglophone participation is too low in every employment category. In 1988, 29 Anglophones and 34 Francophones were recruited for permanent positions, a pattern which, if continued, will only exacerbate the problem.

Despite a somewhat slow pace, some progress was achieved this year in the management of the Senate's official languages program. As noted, reliable data on the participation rates from each language group have now been compiled, and employees have been informed of the linguistic designation of their

positions. Most employees in bilingual positions have been formally evaluated for their knowledge of the second language. We understand that a language training program and a policy governing the staffing of bilingual positions are in the works. However, we must mention that this policy has been promised for a number of years. All these elements could form the basis of a sound official languages action plan which, we trust, the Senate will finally produce in 1989.

In 1988 we received two complaints involving the Senate compared to eight in 1987. One concerned a report sent out in English to a person who had requested the French version. The second raised questions about the validity of language tests administered to employees occupying bilingual positions. Both were still under study at year's end.

Solicitor General*

The Secretariat of the Department of the Solicitor General has considerable catching up to do if French is to have an equitable status in its operations. Senior management is aware of official languages issues, but some managers and employees have not yet grasped their importance. Overall participation by both groups is satisfactory, but Francophone employees are concentrated in the Administrative Support category. Only one of the 19 senior managers is Francophone. As a result, French is in very limited use as a language of work. These observations, which we have forwarded to senior management, are the main preliminary conclusions of an audit of the Secretariat we are currently conducting. Fortunately, the Senior Management Committee is developing an action plan to improve the overall situation.

In overall terms, the Secretariat has sound bilingual capability. More than 70% of its 210 positions require second-language skills and 87% of incumbents meet the requirements. The Secretariat made a commendable effort in 1988 to increase the number of bilingual employees: 25 of 26 appointees to indeterminate bilingual positions in the first six months of 1988 met the language requirements.

Nevertheless, major sectoral weaknesses were observed. Four of six regional offices, including those in Toronto and Saskatoon (which serves Manitoba), have no bilingual staff. The Secretariat is giving serious thought to requiring some bilingual capacity in each regional office. As there are vacancies in these offices, the Secretariat soon will be in a position to remedy the situation. At headquarters there is acceptable bilingual capacity in the Communications and Planning and Management Branches, though capability is weak in the operational branches, particularly the Corrections Branch. The Secretariat should focus on one other weakness: some of the specialized reports (between 10% and 15%) are available to researchers in English only. The Secretariat is updating its policy in this regard and intends to monitor its implementation more closely.

The situation is most critical in language of work. Although English and French are in common use in Planning and Management, French is used very little in the two operational branches (Corrections and Police and Security). English is used almost exclusively in meetings, drafting documents and supervision. Memos to staff and to the Quebec region are often in English alone. Central and personnel services, however, are available in both official languages.

The main reasons for this situation are the small number of Francophone managers, the strong traditional tendency to use English in the Secretariat, and inadequate or non-existent second-language skills among supervisors. Nine of 46 supervisors (19.6%) do not meet the language requirements. The head of one section with more than 15 employees which includes seven Francophones is unable to supervise in French. Although English is used extensively in the Secretariat's activities, that does not make greater use of French impossible. The Secretariat has not done enough in recent years to promote the use of French; consequently, Francophone employees feel uncomfortable in an environment that is not conducive to their development. The steps which the Secretariat has taken in the last few months demonstrate that it wishes to change this situation.

Anglophones make up 70% of staff, Francophones 30%. This is an acceptable distribution since 90% of Secretariat employees work in the National Capital Region, where most support staff is recruited. Major imbalances exist, however, in the occupational categories. Only one of 19 managers and two of 20 professionals are Francophone. Francophones are very well represented in the Administrative Support category (36 of 63, or 57.1%) and in the Planning and Management Branch. They are fairly poorly represented in the operational branches.

Senior management did take steps in 1988 to correct the situation. For example, closer relations have been established with Francophone educational institutions specializing in criminology and with other federal institutions working in similar fields in order to attract more Francophone candidates for senior managerial and professional positions. These efforts are timely, particularly as the Secretariat has a number of vacant positions to be filled. They must be sustained; the argument that all criminological work is done in English is fairly widespread in the Secretariat.

The Secretariat must also attach greater importance to official languages program management. It is setting objectives for the various sectors, but the different directives should also be brought together in an overall official languages policy which could serve as a framework. Given the extent of the problems, management must closely monitor the implementation of these objectives and assign an employee specifically to this task.

We received four complaints against the Secretariat in 1988. Two concerned a folder produced in co-operation with the City of Edmonton. Although drafted in

eight languages, it omitted French. The other two dealt with unilingual English telephone service at the Consultation Centres in Edmonton and Ottawa. The Secretariat was slow in settling these matters.

Statistics Canada*

In 1988 Statistics Canada again did good work in official languages. The organization maintained its high bilingual capability and proposed various measures to overcome persistent language of work problems. Although satisfactory on the whole, participation by both language groups is somewhat unbalanced in certain occupational categories.

As a result of the high degree of bilingual capacity at Statistics Canada — 1,145 of 1,861 occupied positions (61.5%) serving the public are held by bilingual incumbents — and of the presence of bilingual staff in all regions, Canadians as a whole have access to statistical information services in their preferred official language. Publications and questionnaires used in various surveys are bilingual or, where separate versions exist, indicate that the document is available in the other official language. In telephone and in-person surveys, Statistics Canada ensures that bilingual services are provided by survey staff in regions where the official language minority represents 10% or more of the population. Although we think that the 10% requirement should be lowered, the current procedures ensure that all requests, whether in English or French, receive a response in the appropriate language.

To promote the active offer of bilingual service to a greater extent, an internal audit team made the eminently sensible recommendation that all survey forms available to survey staff contain a question on respondents' language preferences, as is already done for the labour force survey.

French is commonly used in the Montreal and Sturgeon Falls, Ontario, offices. Although central and personnel services and commonly used work documents are available in both languages, French is the main language of work in only a few units in the National Capital Region, where 90% of the Agency's employees are located. That 21% of supervisors do not meet the requirements of their bilingual positions still presents a problem, and administrative arrangements seldom do much to correct the situation. Statistics Canada therefore encourages supervisors who have failed their second-language examination to enroll in language training. Qualified incumbents of bilingual supervisory positions received special courses which were made available to them to improve their second-language proficiency, based on their respective needs.

The widespread use of computers has a considerable influence on language of work, as witness the 1,300 micro-computers used at Statistics Canada, the equivalent of one machine for every four employees. In theory, most of these

computers can operate in both languages. The same is theoretically true of approximately 70% of terminals linked to the central computer system. However, most often the shortage of French software forces users to opt for English. Statistics Canada proposes to conduct a thorough survey of the situation in 1989, resources permitting.

Statistics Canada has 4,444 employees, 1,629 of whom (36.7%) are Francophone. This high participation rate may be explained by the fact that the Department recruits a considerable proportion of its staff in the National Capital Region, where Francophones comprise some 35% of the population. Despite that, Francophone participation is below average in the Management category (22.2%) and too high in the Administrative Support category (41.6%). Although still too low, Anglophone participation in the Quebec region rose appreciably in 1988 to 8.6% from 5.6% in 1987.

The official languages program has a solid foundation, but cutbacks in the Official Languages Division, particularly among officers, have limited opportunities for implementing special projects — for example, in language of work. Since official languages matters are part of the organization's internal audit program, they are subject to periodic reviews by auditors who are selected on the basis of their specialties, experience and knowledge of the field.

We received 14 complaints against Statistics Canada in 1988, compared to 30 in 1987. Twelve concerned various aspects of language of service, in particular signage and publications. The organization handled all complaints submitted to it quickly and effectively.

Supply and Services

The Department of Supply and Services, the central service organization for federal departments, agencies and public servants was more vigilant in 1988 in implementing control measures for its official languages program. The bilingual capability of its supply officers, however, is not yet high enough to guarantee service of equal quality in both languages with respect to language of work. French is still not used to the same extent as English in communications between supervisors and employees.

In offices where requests come from both language groups, initial contact is made in the caller's preferred language. Personal and telephone reception is generally bilingual. In 1988 the Department conducted a study of telephone service provided at numbers appearing in telephone books and corrected the irregularities it found.

The Department has identified 3,574 bilingual positions, 38.5% of its total strength. Language requirements are met in 3,073 of them (86%). These figures conceal certain weaknesses, however. Of all bilingual positions, 9.2% require no

more than elementary language skills and 81.8% intermediate. Only 5.3% require superior language proficiency.

Our study of the Supply Administration revealed that supply officers' language skills are the Department's greatest problem. To provide its services effectively in both languages, the Department should increase the number of officers with superior language skills. To that end, in 1988 the Department began meeting with managers who occupy bilingual positions requiring elementary second-language proficiency to review the language identification and profile of those positions and, where necessary, to provide appropriate training. In 1989 the Department will continue this control measure for other positions requiring elementary skills.

Private sector businesses are required to indicate their preferred language when applying to become one of the Department's suppliers. According to our study of the Supply Administration, the choice of answers provided on the form — English, French, or either — does not make it possible to determine suppliers' preferred language. Suppliers almost automatically check "either", based on their ability to operate in both official languages, whereas the Department is required to deal with contractors in the latters' official language. The Department has already indicated that the "either" option will be eliminated and the question re-worded.

The preferred language of pensioners is now stamped on the cover of each personal file. As a result, when action is taken in future, pensioners will be assured of service by an official speaking their language. This procedure helped to correct a weakness that was pointed out long ago.

Unfortunately, no recent studies are available to the Department on public satisfaction with its bilingual services. Up-to-date information would definitely be to the Department's benefit. On the other hand, Supply and Services holds periodic meetings with the Société des Acadiens et des Acadiennes du Nouveau-Brunswick. It could extend this practice to minority official language associations in the rest of Canada.

In 1988 the Department completed a systematic review of aspects of language of work — manuals, meetings, internal bilingual reception and memos — and called for action to correct the irregularities it found. To guarantee adequate bilingual capability in dealings with its employees, officials reviewed and modified accordingly the language identification of all positions in the Finance, Personnel and Administration Sector. Committees reviewed the quality of performance appraisals and ensured that the language preference of each employee was respected. Although work instruments and other mechanisms (such as training) should enable employees to work in their preferred language, English is still perceived as the language of work within the Department. Furthermore, the fact

that 288 of the 1,529 incumbents (18.8%) of bilingual supervisory positions do not meet the requirements has done little to help change this persistent situation.

Although bilingual access is not available for all computer applications, most of the Department's major systems enable employees to work in either language or in both at the same time. Bilingual software is available most of the time and documents can be produced in French, with accents. In a broader context, the Department, together with the Treasury Board Secretariat, is studying ways of implementing the provision of the Official Languages Act requiring that widely used automated systems acquired or produced on or after January 1, 1991, can be used in either official language.

The equitable participation of both communities is far from being a reality in the Department: 5,485 DSS employees are Anglophone (59%), 3,811 Francophone (41%). The 372 appointments of Francophones in 1988 (36.3% of 1,026 appointments in the first nine months of the year) did not really change this uneven distribution. There is a high proportion of Francophones in the Technical (33.6%), Administrative Support (43.5%) and Operational (64.0%) categories. These levels may be attributed in part to the fact that two-thirds of the Department's employees are concentrated in the National Capital Region and that the Department's activities, which include printing, publishing, advertising and exhibitions, require a significant bilingual capability. The proportion of Francophones is smaller than their demographic presence in British Columbia, Saskatchewan, Manitoba and Nova Scotia would call for. In Quebec, only 19 of 726 employees (2.6%) are Anglophone.

The 12 official languages plan objectives have been integrated in the Department's strategic planning process since the start of the 1988-89 fiscal year, and managers are to ensure they are achieved. The Official Languages Program Group provides managers with the data they need to set their language objectives. It also submits quarterly progress reports to senior management. Internal Audit covers official languages through the effective control exercised by its four auditors.

The risk of error is necessarily relatively high in a department as large as Supply and Services. However, in 1988 we received only 29 complaints, four more than in 1987. Those complaints focused mainly on telephone communications, publications and service in person. There is still some hesitation over dealing with our correspondence through intra-departmental channels, and no decision has yet been taken on whether or not to return to centralized handling of complaints.

Transport*

The official languages situation at the Department of Transport in 1988 would be comparable to the unenviable situation of previous years, except that it was made worse by an increasingly evident administrative sluggishness in program

implementation. This is all the more regrettable since, during the Calgary Winter Olympic Games, the Department showed clearly that the organization and delivery of good bilingual services at an airport were not beyond its capabilities.

Two major programs designed for the public caught our attention in 1988: the plan to provide bilingual air traffic control services at Ottawa International Airport and the language aspect of air passenger safety regulations. In October 1987 the Department began to provide bilingual flight information services in the National Capital Region, the first stage of its plan to offer bilingual air traffic control services at the Ottawa airport and to provide pilots with weather forecasts and flight plans in their preferred official language. Stage two, in which visual flight operations are to be conducted in English and French, was to be implemented in fall 1988. According to the Department, at least 12 bilingual controllers are required, and that number has not yet been reached. Three years after the program was first announced, the first bilingual airport outside Quebec is not yet a reality, a situation all the more unacceptable since it is Canada's capital that is suffering the consequences.

The travelling public complains constantly about unilingual announcements made on aircraft in Canadian air space, but the Air Regulations remain unchanged and still do not require carriers to announce safety regulations to their passengers in both languages. The Department will have to resolve this deficiency since provisions of the 1988 Official Languages Act guarantee the public's right, where health and safety are concerned, to services in English and French from corporations regulated by the Department.

In general, members of the public do not communicate with the Department's administrative offices. In airports, all services provided to the travelling public, such as parking, restaurants, car rental services, taxis and newsstands, are provided by third parties. Although many of these are under a contractual obligation to provide their services in both languages, the number of complaints we received in 1988 suggest that the Department still depends too much on the good will of third parties and closes its eyes to systematic irregularities.

Problems related to signage in airports, in particular the quality of messages drafted in English and French, are at last being resolved. The Department distributed a fully up-to-date glossary to regional directors and airport managers that standardizes signage in both languages across the country.

Although French is widely used as a language of work in Quebec and in personnel services at headquarters, such is not the case in the bilingual regions as a whole. The large number of unilingual supervisors occupying bilingual positions (337 of 1,434, or 23.5%) and the marked under-participation of Francophones in management positions (17.3%) are factors that will not improve the situation. Work instruments are generally distributed in both languages, although some memos are still issued in English only to employees at headquarters and in the regions. The Department states that it acts promptly on the internal complaints it

receives in this regard, but the control it says it exercises constitutes neither a preventive measure nor an effective means of promoting both languages in the work place.

The Department has 19,668 employees, 4,372 (22.2%) of whom are Francophones. Inadequate Francophone participation is evident in all occupational categories except Administrative and Foreign Service and Administrative Support, and is particularly obvious in the National Capital Region. For example, scarcely 18% of the 161 managers at headquarters are Francophone. The figure falls to 14.7% in the Scientific and Professional category and 15.5% in the Technical category.

The Department still has a long way to go to comply with the provisions of the 1988 Official Languages Act, and it is unclear whether the administrative integration of official languages will give the program the visibility and leadership it needs.

We received 100 complaints against Transport Canada in 1988, compared to 84 in 1987. Most concerned air transport and, in most instances, focused on safety announcements on aircraft flying in Canadian air space and services provided in airports. Five persons complained about language of work, more specifically the language requirements of certain positions, communications between offices and work instruments. Generally speaking, settling these complaints remained a somewhat laborious process.

Treasury Board

In 1988 the Treasury Board Secretariat continued its active offer of good quality bilingual service. However, a number of its employees, both Anglophone and Francophone, would like to be able to work more often in French. The Secretariat still has imbalances in certain occupational categories. The balance sheet is satisfactory overall, though not without some weakness.

All of the Secretariat's sectors have good bilingual capacity and have no difficulty providing their services in both languages. Eighty-one percent of its positions are bilingual, and the proportion of incumbents who met the language requirements of their positions rose from 90% in 1987 to 92% in 1988. The Secretariat is striving to deploy its bilingual (27 of 65) and unilingual commissionaires as effectively as possible by assigning the former to areas more frequented by the public and ensuring that the unilingual commissionaires it must also assign to those areas work together with bilingual colleagues. Nonetheless complaints received late in 1988 revealed problems in these arrangements.

On a different note, the problems encountered by Great-West Life Assurance in providing, at all times, bilingual service to Public Service employees filing dental insurance claims resurfaced. Benefit statements are not always completed in the language used on claim forms. We hope the idea of adding a box — when

forms are reprinted — to enable claimants to indicate their preferred language will help solve this problem.

Results of a survey the Secretariat conducted of its employees in October 1987 show that the situation of French in the work place has scarcely improved in recent years. Thirty percent of Francophone employees and 36% of Anglophones said they would like to use French more often. Anglophone respondents said they worked 84% of the time in English, Francophones 39% in French. To promote the use of French at work, the Secretariat decided to raise the language requirements of a number of supervisory positions and to offer greater opportunities for language training. To date, it has discovered no systemic barriers to the use of French and holds the view that it is up to Francophone employees to assert their right to work in their own language. In our opinion, however, experience shows that an incentive is generally needed to obtain best results. In its next survey, Treasury Board will ask its employees to identify major obstacles to the use of French at work.

Of the Secretariat's 724 employees, 457 are Anglophone (63.1%), 267 Francophone (36.9%). Of the imbalances observed in our last evaluation, only that in the Scientific and Professional category has been corrected: the number of Francophones in that category rose from four of 32 (12.5%) to six of 22 (27.3%). In the Management category, the percentage of Francophone employees stands at 20.4%. This situation has changed little in the past four or five years. On the other hand, there are too few Anglophones in the Administrative Support category, where they account for only 38.8% of employees, compared to 44% in 1987. Although these employees are to a very large extent recruited in the National Capital Region and tend to reflect the composition of the local population, the current preponderance of Francophone employees is clearly unacceptable.

The official languages program is generally well managed at the Secretariat. Language objectives are integrated into operational plans and managers are accountable for them. Managers helped develop the memorandum of understanding which the Secretariat is preparing to sign with the Treasury Board.

We received 17 complaints against the Secretariat in 1988, compared to four in 1987. Two concerned language of work problems and, of the remaining 15 (which all had to do with language of service), six dealt with telephone service, five with unilingual Anglophone commissionaires, two with English replies by Great-West Life to claims made in French and two with English press releases which the Secretariat sent to a French-language weekly. The Secretariat's co-operation in settling these complaints was good.

Via Rail

In 1988 Via Rail Canada again pursued active negotiations with its unions to reach agreements that would enable it to assign bilingual employees in stations

and on trains to provide bilingual service to the travelling public. By all appearances, this matter is top priority because, as underscored in the Commissioner's December 1986 report to the Governor in Council, collective agreements have long been the major stumbling block to the effective provision of one-on-one services in both official languages. On the other hand, the Corporation did a good job of discharging other language responsibilities towards its customers at telephone sales offices and through bilingual documents.

In accordance with the agreement ratified by Via Rail and the Canadian Brotherhood of Railway, Transport and General Workers on August 13, 1987, bilingual positions were designated for the first time in stations and on trains in the Atlantic and Quebec regions. True, those positions are to be filled by bilingual candidates only when they become vacant, but it must be acknowledged that, without this agreement, the right of members of the public to services in their preferred official language would have continued to be subject to chance and there would have been no hope of any real improvement. The agreement thus constitutes a major advance, and we are anxious to learn the outcome of talks which Via and the Brotherhood began last fall with a view to designating other bilingual positions, this time in Ontario and the West.

Via Rail also started negotiations with a second union, the United Transportation Union, which, in particular, represents passenger train crews. Also known as conductors and brakemen, the employees in this group have close contacts with the travelling public, since they are assigned to ticket control and on-board announcements. We hope that the union and Via can reach an agreement similar to that signed with the Brotherhood. The collective agreement signed with train crews expired in December 1988.

The Corporation also stepped up its language training program, mainly for personnel whose collective agreement included a bilingualism clause. In addition, Via Rail continued to hire only bilingual candidates from the outside to fill positions requiring contact with the public. In our view, this measure will be appropriate until such time as the Corporation has achieved a satisfactory degree of bilingual service throughout its network.

Except in Via Quebec offices where it is the main language of work, French is still not used to the extent it should be as a language of work at headquarters in Montreal or at Via Atlantic, where the situation is all the more serious. Although most work instruments are issued in both languages, the presence of unilingual supervisors still seriously hampers the use of French in the work place. We hasten to point out, however, that Via Rail introduced a campaign aimed at ensuring that its managers respect the language preferences expressed by employees during the annual performance appraisal process. In the most recent appraisals, the Corporation realized that, despite its policy, Francophones had been placed at a disadvantage when compared to Anglophones. A major bilingualization program

was also started at Via shops in Montreal to give Francophones access in their own language to safety regulations governing the operation and use of rolling stock. Over 100 cars, locomotives and steam generator units were affected by the measure. Once the program is completed in 1989, all instructions both inside and outside rolling stock will be in both official languages. In this area, the Corporation has done a first-class job maintaining high language standards.

Including former CN train personnel who joined Via in 1987, Via Rail now has 7,623 employees, 2,927 (38.4%) of whom are Francophone. On the whole, the participation of both language groups has changed little since 1987 and appears adequate in light of the location of headquarters and staff distribution across Canada. In regional terms, the overall participation of Anglophones declined by 3.6% in Quebec, from 31.7% to 28.1%. Francophone participation increased at Via West and Via Ontario from 4.1% and 4.9% respectively at the end of 1987 to 7% for each sector in 1988.

With respect to official languages program management, the Corporation holds its senior managers responsible and accountable for linguistic performance in their respective areas. In addition to managerial supervision of bilingual services in stations, on trains and at telephone sales offices, periodic surveys have enabled the Corporation to assess passenger satisfaction in a number of areas, including language. The questionnaire used for this purpose now contains sections which enable the Corporation to determine which regions passengers visit and their itineraries.

We received 38 complaints against Via Rail in 1988, the same number as in 1987. Almost all concerned the lack of French-language service in stations and on trains. A number pointed out that Via had failed to publish advertisements in minority language newspapers and magazines, while only one concerned language of work. Although the Corporation was somewhat slow in handling some complaints, its co-operation was, on the whole, very good.

PART IV

The Minorities: Letter and Spirit

1. Minority News: Overview

Three events dominated all others in the language field this year: the adoption of a new Official Languages Act; the judgment of the Supreme Court of Canada relating to the constitutional status of French in Saskatchewan (and, by ricochet, in Alberta); and, finally, that same Court's decision on the signage provisions of Quebec's Charter of the French Language. Readers are referred to Part I for a more detailed examination of these and other issues of national importance.

The relative health of Canada's official languages minorities is all too seldom examined with the cold hard look of the consulting physician. Our 1985 colloquium on the minorities had diagnosed the situation and prescribed the following course of treatment:

- a national development plan and a co-ordinated approach to supporting and assisting the development of our English and French minority communities;
- better co-operation between the federal and provincial governments in efforts to provide or improve services;
- involvement of the private and voluntary sectors in support of national official languages objectives;
- majority support for the promotion and use of both English and French in Canadian society.

By and large, the 1988 Official Languages Act is the long awaited blueprint. Its comprehensive and generous Preamble clearly suggests that this is no ordinary housekeeping law but rather a great charter for language reform. There are already signs that its noble rhetoric may be translated into action with considerable federal support:

- this year, the federal government signed general or framework agreements for the promotion of official languages and the development of minority

official language communities in Ontario, Prince Edward Island and the Yukon. It also signed a framework of particular significance with Saskatchewan. A comprehensive agreement with New Brunswick was signed last year. Discussions are underway on similar agreements with several other provinces. These framework agreements provide a coherent, positive and co-operative approach to minority community development which has been sorely lacking in the past;

- the federal government announced funding renewal for the Official Languages in Education Program and a significant increase in funding for the Promotion of Official Languages Program;

- the Yukon government adopted an ordinance on official languages;

- the Secretary of State has taken a number of steps, including holding a colloquium on language and business, to promote the provision of services in English and French in the private sector;

- several provinces have revised their legislation or policies with a view to improving essential services, particularly educational services, to their official language minorities;

- a broader range of radio and television programming in French is being offered to Francophones outside Quebec;

- as recent surveys show, the Canadian public generally supports the principles of language duality and protection of minority rights.

On the negative side of the health chart, we note that:

- following decisions of the Supreme Court of Canada, the governments of Saskatchewan and Alberta decided to abrogate the historical language provisions contained in the North-West Territories Act and to replace them with more limited guarantees;

- in the wake of the Supreme Court decision striking down the signage provisions of the Charter of the French Language, the government of Quebec, instead of availing itself of the new doctrine of marked predominance for French on signs, invoked the "notwithstanding" clause to impose unilingual signage outside commercial establishments while extending bilingual signage with French language predominance inside them in certain circumstances. While this change in fact constituted a partial improvement over the status quo ante, it raised protests in many quarters from both language groups, for a variety of reasons;

- despite some encouraging signs about larger official language minorities outside Quebec, demographic data on minority vitality is still very bleak.

One ultimate test of the new Act's credibility will be whether it can deliver on its promises to provide better services to minority communities and give them a fighting chance to pull through.

FFHQ

The Fédération des francophones hors Québec (FFHQ) hailed the adoption of the 1988 Official Languages Act with great satisfaction and welcomed the new funds available through renewal of the Promotion of Official Languages Program as a tangible expression of the federal government's commitment to the official language minorities. FFHQ President Yvon Fontaine stated: "This measure confirms the government's commitment to encourage and support the development of the official language minorities as prescribed in Section 42 of the Official Languages Bill." [Our translation.]

The agreement between the governments of Canada and the Yukon was also good news. The FFHQ noted that these were real and substantial gains for Yukon Francophones, who would now receive service in their language. However, the FFHQ was far from satisfied by the legislation adopted in Saskatchewan and Alberta in response to the Supreme Court of Canada decision in the Mercure case, which affirmed the rights of the Francophone minority contained in the North-West Territories Act. The Fédération forcefully condemned the failure of both provincial governments to fully respect the historic rights of that minority.

This year was marked by a number of interesting initiatives by the FFHQ. Francophones outside Quebec have come to play a growing role within the international Francophone community, particularly as a result of their participation in the Quebec summit. The eventual extension of TV5 services across Canada will no doubt strengthen these historic ties. The FFHQ colloquium on multiculturalism and the official language minorities reflected this international orientation as well as a more open attitude toward Canadian ethnic cultures. Contact with Quebec also intensified with the opening of an FFHQ office in that province. The FFHQ was actively involved in a number of broadcasting issues, including work on the proposed Broadcasting Act and community radio. Also, a separate body, the Association de la presse francophone hors Québec, established a press service in Ottawa, thereby ensuring better and more direct coverage of national issues of importance to French-speaking minority communities across Canada.

These numerous initiatives demonstrate that the FFHQ continues to act as a dynamic and effective representative for French-speaking minority communities across Canada. Speaking to the annual general meeting of the FFHQ in Ottawa on June 24, the Commissioner reminded participants that, as in the past, they could count on his support in the defence and promotion of their fundamental language rights.

Alliance Québec

In the past year Alliance Québec voiced its opinions on a wide variety of issues both within Quebec and across Canada. At the federal level, it strongly

supported the 1988 Official Languages Act as a major step forward for language reform in Canada. However, it continued to express concerns about the Meech Lake accord, arguing that it must be amended to explicitly protect the Canadian Charter of Rights and Freedoms and to ensure that there is no potential weakening of the Charter rights of Canadians. The Alliance called on governments to "make this accord an agreement for all citizens and not just among governments and between majorities." The Alliance also highlighted what it considered the incongruity of a "notwithstanding" clause within the Charter, a document designed to protect the rights of citizens. At year's end, these concerns took on a new complexion following the government of Quebec's reaction to the Supreme Court's judgment on the signage provisions of the Charter of the French Language. Alliance Québec denounced the "inside/outside" signage solution and reiterated its belief that "the vast majority of Quebecers have confidence in the future of the French language and culture, and are convinced that the protection of that language and culture can be assured without wiping out other languages, and specifically English, off the linguistic face of the province."

The past year also provided Alliance Québec with a number of opportunities to demonstrate its ongoing solidarity with and support for French-speaking minority communities outside Quebec. In its response to the language legislation adopted in Saskatchewan and Alberta, the Alliance called for each legislature to adopt solutions based on respect for language rights and on the equality of Canada's two official languages.

Within Quebec, the Alliance was actively involved in issues affecting the well-being of its community, such as control and management of English schools and health and social services in English. It was successful in obtaining French second-language training for unilingual welfare recipients. Throughout a year of often acrimonious debates pending court decisions on language issues, the Alliance reaffirmed its tradition of moderation and its commitment to dialogue.

In the words of its President, Royal Orr: "Our commitment is to the participation of all Quebecers for the very common sense reason that we recognize no one group in this society can solve its problems in isolation from, or at the expense of, another group."

Canadian Parents for French

Besides pursuing its important work in promoting all aspects of French as a second language and youth exchanges, Canadian Parents for French (CPF) and its provincial chapters proved once again that they also recognize and support Francophone parents outside Quebec in their struggle to ensure respect for the provisions of Section 23 of the Charter. CPF also defended the notion of language duality. In her appearance before the Legislative Committee examining Bill C-72, CPF's outgoing national president, Dr. Susan Purdy, reminded Members of Parliament that the goals of language reform are noble ones and that the money spent on teaching children Canada's official languages was by no

means wasted: "As a taxpayer, I want to see my money going into the greatest resource we have, and this is the education of the children of this country."

The Commissioner's work

As might be expected, a significant portion of the Commissioner's time and energy was taken up by the examination in committee of the 1988 Official Languages Act. Conscious of the need to listen to what Canadians have to say on language issues and to promote the interests of our official language minorities and a better understanding of language reform, the Commissioner also visited most provinces and the Yukon to meet with federal officials, provincial premiers and cabinet ministers, opinion leaders, minority official language groups, educators, parents and media people. These visits and meetings also help give additional visibility to the invaluable work accomplished by our regional staff and liaison officers. A more complete account of the activities of the Commissioner and his Office appears in Appendix A.

Education rights and realities

It is now more than six years since the Canadian Charter of Rights and Freedoms was adopted, enshrining for the first time education rights for Canada's official language minorities. In spite of a number of court rulings on Section 23 of the Charter, a definitive interpretation has not yet been developed, even if wide judicial consensus does appear to be emerging from existing jurisprudence. (See Part I, Chapter 3, for a discussion of key decisions rendered this year.) Nevertheless, thus far the courts have appeared hesitant to direct provincial governments to undertake the necessary legal and administrative reforms that full implementation of Section 23 may require.

The following conclusions may be drawn from the court rulings to date. The right to "minority language facilities" includes the right to an appropriate degree of exclusive control and management by the minority community. The determination of "where numbers warrant" cannot be delegated to school boards but must be made by the legislature or government on the basis of a provincial test that takes into account comparable situations and the actual needs of the minority community. Section 23 also requires that minority language facilities be separate from those of the majority and similar in quality. It is clear that immersion is not what is contemplated by Section 23. In our view, only Quebec, New Brunswick and, to a lesser but improving degree, Ontario now possess an education system which affords a generally satisfactory degree of management and control by the minority. These provinces have also overcome the numbers test in a generous fashion by attempting to provide minority language instruction to all children whose parents are eligible to request it. The Education Acts of Alberta, Nova Scotia and Newfoundland do not set a minimum number for the provision of minority language instruction. Prince Edward Island calls for at least 25 children over three consecutive grades. Manitoba requires 23 children to set up a class and Saskatchewan 15. British Columbia requires 10 students to create a class at the primary level and 15 at the secondary level, but its policy permits the establishment of classes with fewer children. Table C.2 (see page 310) provides

additional statistics over time on enrolment, levels and the number of schools providing minority language education programs.

The progress made thus far in implementing Section 23 has often resulted from significant pressure or court action by parents. While the pace of implementation may be disappointing, the results of court cases to date have been generally positive and we now have a much better idea of the obligations of the provinces pending the judgment of the Supreme Court of Canada on Alberta's Bugnet case. However, the courts can only interpret law, not make it, and the provinces will continue to play a significant role in establishing the actual rules. We regret that some provinces seek to comply with their constitutional obligations only when faced with mandatory court orders, large sums of federal cash, or both.

Our Office and various minority language organizations have long argued the need for a comprehensive and structured approach to implementation of Section 23 based on detailed information and practical research on the problems of and solutions to effective school governance in minority situations. Of course, the principal actors in this regard should be the parents themselves. We were therefore pleased to learn in November that the Department of the Secretary of State had agreed to provide the Commission nationale des parents francophones with sufficient funding to support the activities of local groups of parents and to conduct the research needed to provide minority parents, school trustees and provincial educational authorities with convincing documentation on how to "manage" the educational changes so necessary to minority survival. We hope such information will lead to a better dialogue about ways in which the Charter provisions on minority language education may be fully respected.

Minority school and community centres

One of the most promising developments in minority language schooling has been the creation in some provinces of minority school and community centres. New Brunswick opened the first, in 1978 in Fredericton, followed by similar facilities in Saint John and Newcastle. A centre was completed this year in Mainland, on Newfoundland's Port au Port peninsula, and a federal-provincial agreement has been signed to build such a complex in the Halifax-Dartmouth area in 1989. A similar centre will also be established in Charlottetown. The combination of an educational and cultural meeting place for minority communities may prove a powerful bulwark against the relentless forces of assimilation, particularly if such centres also serve as focal points for the provision of a variety of essential federal, provincial and municipal services to minority communities.

Concentration of services

The notion of concentrating federal, provincial and municipal services for the greater convenience of minority language and other groups is far from new. The pressures felt throughout the Public Service to rationalize expenditures should be an incentive for managers to concentrate and restructure such services. The concept deserves to be revisited. Readers will find in last year's Report (pp. 55-56) an account of a modest initiative proposed by our Office after thorough study, an

initiative which for the time being seems mired in the slough of federal bureaucratic indifference. While it would be naive to hold out any particular solution as a talisman for minority happiness, at the very least considerably more work needs to be done in the federal and provincial spheres to develop workable and cost-efficient models for the provision of essential services to minority official language groups. This is one area among many where the Department of the Secretary of State might usefully exercise the co-ordinating role assigned to it in the 1988 Official Languages Act. We believe that the Secretary of State's Department should assist interested provinces in developing appropriate administrative models for the provision of federal, provincial, municipal and educational services.

Post-secondary issues

In last year's Report we also discussed some of the minority and second-language issues raised at the National Forum on Post-Secondary Education held in October 1987 in Saskatoon. The specific needs of minority language students and educators in this regard included access, financial assistance, shared information and greater planning. Given the dispersal of Francophones outside Quebec and the small number of institutions serving them, much discussion has since centered around three related themes: the autonomy of minority post-secondary institutions; the concentration of services in, and increased support and funding for, existing post-secondary institutions providing instruction in French; and greater use of technological innovations, particularly distance education networking. As a follow-up to the Saskatoon Forum, the Council of Ministers of Education, Canada, in February created a Ministerial Post-Secondary Committee to promote greater consultation on these issues among governments and national non-governmental organizations.

The new federal-provincial Protocol on Official Languages in Education provides for most of the funding increase of $145 million over five years to be used for new initiatives. Expansion of service in French at the post-secondary level is one of the priority areas for this funding. Examples of projects supported in 1988 include:

- establishment of a Language Training Institute at the University of Regina to enable Francophones to take post-secondary studies in French in Saskatchewan;
- expansion of the French-language program of the University of Prince Edward Island;
- creation of the Collège de l'Acadie in Nova Scotia to serve the province's Acadian population;
- decentralization of the École d'administration publique of the University of Moncton to facilitate access for New Brunswick's Francophones to training in public administration;

- a distance education network to link the University of Ottawa and Laurentian University;
- establishment of a French-language distance education network, with the potential to link all French-language post-secondary institutions across the country and enable them to offer and share a wide variety of courses;
- funding for research by the Fédération des jeunes canadiens-français on opportunities for Francophones outside Quebec to take post-secondary studies in French.

Finally, early in January 1989, the Secretary of State and Ontario's Minister of Colleges and Universities announced a $100 million, eight-year cost-sharing agreement to expand French-language programming and services in the Ontario college system. The project includes the establishment of a French-language college of applied arts and technology in the Ottawa area by 1990, with new facilities expected to open by 1992.

All these promising initiatives are signs of a more concerted national approach to post-secondary opportunities in French outside Quebec. We are pleased to see that "The Spirit of Saskatoon" lives on and that the federal government and the provinces are working together to provide a post-secondary system of improved quality and accessibility for Francophones outside Quebec.

Two minority communities: Struggle in different conditions

One way of understanding the true nature of minority conditions is to examine representative minority communities to see at first hand what makes them tick. Our Office commissioned two such studies: one of the English-speaking community in the Eastern Townships region of Quebec, carried out by researchers from Concordia University; the other of the French-speaking community of Welland, Ontario, conducted by sociologists from the University of Ottawa. Each study set out to gather data that would provide a sociolinguistic "snapshot" of the community (language spoken at home, with friends, etc.) and assess its language relations with the institutions which surround it. While our Office does not subscribe to all the conclusions of these studies, the research provides numerous insights into some of the main elements of minority vitality.

The English-speaking community in the Eastern Townships

In the mid-1800s almost 90,000 English-speaking persons lived in the Eastern Townships, but today only 34,020 people (approximately 9% of local residents) are Anglophones. This population continues to shrink due to a low birth rate, to young people leaving the community because of a perception that they cannot build a secure future in the area, and to the absence of immigration into the community. While 50% of the Anglophone population lives in communities with a substantial Anglophone population, the remaining half live in areas with a large majority of Francophone residents.

The minority community is increasingly bilingual. Among people surveyed under the age of 65, 80% said they understood or spoke French. However, 58% of those over 65 spoke no French.

Eighty-two percent of respondents indicated that they used English "always" or "more than half" the time in dealing with the federal government and 8% expressed dissatisfaction with the language of federal services. The level of dissatisfaction with the language of provincial services was 33%. Respondents also indicated that they used English frequently with friends (87%), neighbours (75%) and at school (85%). English was used less frequently at work (59%) and while shopping (40%).

The English-speaking community in the Townships has a legacy of institutions, organizations and voluntary associations, which helps explain its continued vitality. However, these bodies are not immune to the effect of a shrinking Anglophone population. In the health sector, hospitals once regarded as "English" are increasingly staffed by Francophone personnel. The researchers concluded that, in future, the availability of service in English would depend increasingly on the presence of bilingual Francophones. Community health and social services are particularly important given the high proportion of senior citizens in the English community in the Townships: 18.5% of those whose mother tongue is English are 65 years of age or older, compared to only 8.7% of those whose mother tongue is French.

School enrolments have dropped by almost 50% in the past 11 years. Not only has demographic change played its part, but many Anglophone parents have decided to send their children to French schools. Only 80% of the English-speaking community's children attend English elementary schools.

Job prospects for young Anglophones in the Townships seem bleak. Only half the respondents believe that the Eastern Townships is a region where an Anglophone person can build a secure future and 61% believe that the local English-speaking community is in danger of disappearing. When asked which groups, institutions or individuals they felt were most important to the preservation of an English-language community in the Eastern Townships, respondents mentioned the Townshippers Association most frequently (34%), followed by Alliance Québec (15%), schools (14%) and churches (9%). There was strong support for the provision of federal government services in both official languages in all parts of Canada; 90% felt this was very important. In addition, respondents indicated an overwhelming belief in the ability of English- and French-speaking Townshippers to work together to get things done.

The researchers conclude that the continued vitality of the English-speaking community will depend, among other things, on assistance for those unable to function in French and increased individual bilingualism within the community

as well as greater financial and organizational support for community groups and institutions.

The French-speaking community of Welland

Although 16% of the population of Welland, a town of 45,000 people, is Francophone, only 66% of that group speaks mainly French at home. Living in French in Welland is really possible only at home and when members of the minority meet socially. When asked about day-to-day life, the students interviewed said they felt uncomfortable speaking French among themselves because their environment encourages them to use English. However, relations between Anglophones and Francophones are not perceived as antagonistic.

The French-speaking community is working class and historically has centred around the parish. It has a fair network of services and institutions, including a caisse populaire, a home for the aged, a recreational organization for young people, social clubs, medical clinics, and so on. However, there is a strong feeling that the social reality is exclusively English, and the upwardly mobile use English to an even greater degree. While bilingualism is viewed by this minority as of capital importance and as the strong point of its collective personality, the community has nevertheless maintained its essentially Francophone character.

The overall decline of the community — particularly young people — is attributable to several factors: the absolute dominance of English in North America, the dispersion of Francophones, the end of immigration from Quebec, the migration of young people from a town suffering hard times, isolation from Quebec and many mixed marriages. The young tend to be interested mainly in sports and, in this sense, are from a cultural point of view virtually indistinguishable from young Anglophones. In fact, they feel themselves to be in conflict with Francophone culture and perceive their personal bilingualism as giving them their edge, identity and worth as a group. They display growing disaffection with the cultural aspect of living in French, which they see as increasingly irrelevant to their day-to-day concerns.

Francophones have sat on the municipal council intermittently since 1949. While they continue to play an important role in this area, at the time of the study the town had no specific policy *vis-à-vis* the Francophone population. For all intents and purposes, municipal services in French do not exist. The same is true for provincial services, but the community is placing a great deal of hope on implementation of Ontario's French Language Services Act. The study revealed that three-quarters of all respondents were satisfied with federal services in French in areas such as job placement, unemployment insurance and taxation; 20% wanted better services.

French-language elementary and secondary schools are well-attended but post-secondary education, as elsewhere in Ontario, is the poor cousin of the system and offers only bilingual programs, usually limited to the technical sector.

Students who wish to continue post-secondary studies in French have to leave Welland, and many do not return.

Even if the traditional role played by Welland's French-speaking community in the Niagara peninsula is not widely recognized, its members are proud of their involvement and remain optimistic about the future. They place great store on their bilingualism, and their desire to pass a knowledge of French on to their children is a much stronger trend than that, for instance, of using their own language at home. Even though English predominates in mixed households, most children are sent to French-language schools. The major challenge facing the French-speaking community in Welland today is to encourage the new generation to join the institutional network. In this respect, it seems certain that schools will more than ever before have to become the focal point for community vitality.

As Tolstoy said, "each unhappy family is unhappy in its own way." Both communities studied are experiencing significant demographic decline; however, the causal factors and characteristics of each are unique. One community is rural, the other urban; one has deep historical roots, the other is relatively new to the region; one is divided between bilingual and unilingual members (primarily along generational lines), while the other is essentially bilingual. While some of the economic and social problems faced by both communities are similar, there are also significant differences in terms of vitality. The Francophone community in Welland is engaged in a unrelenting struggle to retain not only its vitality, but also its language. In this regard, the "bilingualism" of this community, so necessary to its economic survival, is at the same time a potential threat. In Welland, there is little opportunity to use French outside the home and Francophones live in relative linguistic isolation, overwhelmed as it were by the dominant English-speaking environment.

The apprehensions of the English-speaking community in the Eastern Townships are of another order. Assimilation is not yet a serious threat and there is little doubt that members of this shrinking community will continue to speak their language at home for some time to come. However, the need to know French to function in Quebec society is more and more pronounced and personal bilingualism is increasingly viewed as a necessity. Both communities are losing their young people; both feel the need for greater support for their community organizations.

Clearly the problems of each of these communities should be addressed on their own merits in the light of each group's perception of its plight. The following pages provide abundant evidence that the situation of our smaller and more isolated official languages communities is very grave. We should not, however, discount the positive impact of renewed militancy among minority groups and the combined effect of certain federal and provincial initiatives.

We recommend that the Department of the Secretary of State:

- **evaluate the impact of past initiatives on the development of minority communities;**

- **assist interested provinces in developing appropriate administrative models for the provision of federal, provincial, municipal and educational services;**

- **pursue, in close co-operation with the Council of Ministers of Education, Canada, efforts designed to encourage access to instruction in the language of the minority at all levels, and improve services in French at the post-secondary level.**

2. Province by Province: Mixed Signals

Following the discussion in the previous chapter of key issues and major players, what follows is a province by province review of legal, educational, institutional and community development matters. The subsequent chapter takes a look at the year's events in minority official language broadcasting.

The West

New census figures, which confirm the continued numerical decline of Francophone communities in the West, have made urgent the effort to sustain them. Some progress was achieved in areas such as education, federal-provincial agreements, court cases and preparations for a new Languages Act in the Yukon, and western Francophone communities have shown determination and confidence in light of the federal commitment to support them and assist in their development.

Estates-General

In **Manitoba** the Estates-General of the Francophone community met in March 1988 to discuss the findings and recommendations of the task force headed by Judge Michel Monnin. The task force had organized nine preparatory public hearings throughout the province, receiving 164 briefs from groups and individuals. The meeting of the Estates-General was an important step in a longer process of reflection initiated by the Société Franco-Manitobaine (SFM). Those present and others in the community were asked to consider fundamental questions about the nature of their community and to suggest future directions. Health and social services, government and public services, culture, the economy and the structure of the Société Franco-Manitobaine were discussed, as was the question of French-language education. A report was commissioned by the Comité directeur des structures scolaires (CDSS), the organization most interested in French-language education. The CDSS recommended a single French language school board with four regional councils. However, some Franco-Manitobans fear that rural communities would then have little influence.

The provincial government has not yet revealed plans for French-language government services, nor has it commented on the one adopted by the previous

government. In anticipation, the SFM has produced a draft proposal based on the Canada-Saskatchewan agreements and the government has agreed to begin talks with the Secretary of State on the basis of the SFM text. During his November visit to Winnipeg, the Commissioner formed the impression that while the government has been non-committal, better communications are being established with the minority community. While prudent, the Premier seems well disposed towards the gradual extension of services in French. The need for an early federal-provincial agreement on these matters is clear.

Minority language educational facilities

The Franco-Manitoban community, like other official language minority communities, continues to seek ways of establishing community control and management of minority language educational facilities. The vitality of French-language education in Manitoba was confirmed by statistics which reveal that 40% of grade 12 Franco-Manitoban students intend to go on to post-secondary studies. The provincial average is 30%.

In January 1988 Manitoba referred a number of questions to the provincial Court of Appeal. The case will establish whether the Public Schools Act meets Manitoba's constitutional obligations under the Charter of Rights, particularly with regard to the "where numbers warrant" and "minority language educational facilities" provisions of Section 23. In December our Office appeared as an intervenor in the reference and argued for a liberal and generous interpretation of Section 23.

The 41st convention of the Association canadienne d'éducation de langue française (ACELF) was held in Winnipeg. Four hundred and fifty participants gathered from across the country to discuss "The French Canadian School: An Indispensable Factor in National Unity". The convention initiated an evaluation of ACELF's directions with particular emphasis on increasing youth participation.

Some municipalities with significant Francophone populations have made progress towards providing more services in French, including St. Pierre-Jolys, which declared itself officially bilingual. Priority is being given to seeing that tax forms and public signs are in both languages. These events indicate a growing awareness of the need to provide services in French where there is a sizable Francophone population. This is the result of the minority community's ability to effectively articulate its needs.

Mercure case

Nineteen eighty-eight saw a number of important events which altered the situation of the **Saskatchewan** Francophone community. Most important was the decision of the Supreme Court of Canada in the Mercure case. The Court (its ruling is discussed in Part I, Chapter 1) upheld the validity of Section 110 of the North-West Territories Act. The judgment confirmed the right to use both official languages in the courts and legislature of Saskatchewan as well as the

obligation of the province to print all its laws in both languages. The Court held that the Act was part of the constitution of the province and therefore could be unilaterally amended by the legislature through a bilingual statute.

In response, Saskatchewan enacted Bill 2 as a law to govern the use of English and French in the province. This Act recognizes the right to use French in the legislature and the courts and commits the government to translating certain statutes. The latter provision remains undefined and will be implemented at the discretion of the government.

While the Act clearly constituted a philosophical step backward, in practice the presence of French in Saskatchewan may have been modestly advanced. The Association culturelle franco-canadienne (ACFC) was disappointed by the government's response, which it felt did not compensate its community for the effects of the long denial of rights. It argued that the century-old rights of the Fransaskois had been reduced to simple privileges. ACFC said that the government could have gone further in implementing the rights which the Supreme Court had confirmed.

General agreement on official languages

If Saskatchewan's language legislation can be seen as timid, the federal-provincial framework agreement (discussed in Part I, Chapter 1), its three subsidiary agreements and the agreement between the federal government and ACFC were bolder and likely to have a greater impact on the situation of the Fransaskois, if they can be made to work.

The agreements include:

- translation of 45 key statutes;
- establishment of a French-language co-ordination and translation office;
- a commitment to ensuring Francophones' control and management of their own educational facilities;
- establishment of a language training institute;
- promotion of French as a second language in Saskatchewan schools.

The Canada-Saskatchewan framework agreement explicitly recognizes ACFC as one of the Francophone community representatives that Canada and Saskatchewan must consult regarding the implementation of these agreements. In addition to the $63 million which it will contribute to help the province achieve the objects listed, under a separate agreement the federal government will contribute $17 million to the Fransaskois community's organizations directly over the next five years.

On May 14 Collège Mathieu in Gravelbourg, Saskatchewan's only completely French-language high school (it also served a number of Francophone Albertans), was levelled by fire. The federal-provincial agreement will contribute to its reconstruction and additional money has come from the community as well as the governments of Saskatchewan and Quebec. Classes for the 130 students had resumed and reconstruction was already well underway when the Commissioner addressed the students and staff during his visit to Saskatchewan in late September.

Progress was made in extending French-language secondary education. The determined efforts of Francophone parents in Regina, Saskatoon and Prince Albert have led to the creation of grade 9 classes in schools in those communities. Francophone parents hope that this is only a first step towards a complete French-language secondary education system.

Since the ruling in the Mercure case applied to Alberta, that province adopted the Languages Act 1988 (Bill 60) to repeal and replace Section 110 of the North-West Territories Act. Bill 60 retroactively confirms the validity of Alberta's unilingual laws; all new laws will be enacted in English only. Bill 60 affirms the right to use either English or French in the legislature and the courts of Alberta. Premier Getty said, "We are protecting the rights of Francophones in Alberta in every way possible in a balanced basis, but we are not going to pursue that in such a way that the majority ends up losing their rights and I think that is the risk that we are facing when we have things imposed by law on us in areas like language."

The Association-canadienne française de l'Alberta (ACFA) was deeply disappointed by the Act, which, while short of being a total negation of historical language rights, retains only the most minimal of them. ACFA called upon the federal government to put pressure on the province to adopt a more generous approach toward its official language minority. The Commissioner also expressed disappointment, noting that the actions of Alberta did not measure up to the commitments undertaken in the Meech Lake accord. "Far from recognizing and preserving these rights as it undertook to do, and without even making specific commitments with respect to education," Mr. Fortier said, "Alberta is preparing to abrogate some of them." Alberta's Francophone community received substantial support within the province. The *Edmonton Journal* said that the government had "squandered an opportunity to uphold the generous vision of Canada it affirmed in the Constitution." Federal-Provincial Relations Minister Lowell Murray added, "We don't regard this matter as closed by any means; we are going to intensify our discussions with that government."

In October Premier Getty made a number of controversial comments about federal language policies and the career prospects of unilingual Albertans. The Commissioner, who was visiting Alberta when the comments were made,

pointed out that only a limited number of federal Public Service positions in Alberta (2.6%) require a knowledge of both official languages.

Among other significant legal developments was the decision of the Supreme Court of Canada to grant leave to appeal in the Paquette case. Mr. Luc Paquette claimed the right to have a trial by judge and jury in French. The ruling of the Court is expected to clarify official language minority rights in federal courts.

Minority education rights

The Supreme Court of Canada granted leave to appeal concerning the École Georges-et-Julia-Bugnet. The case, which is expected to be heard early in 1989, is only the second Section 23 case to be heard by the Court and the first which asks it to consider in a comprehensive way the scope of the rights granted under Section 23.

The Calgary Catholic Board of Education is studying the feasibility of a school and community centre in Calgary. The Edmonton Catholic School Board is interested in the results and hopes to work closely with its Calgary counterpart. A new school has opened in the Peace River district; the École Héritage is Alberta's third French elementary school.

Alberta also brought in a new Education Act (Bill 27). While the Act recognizes the requirements of Section 23, Franco-Albertans noted that it does not deal with their right to control and manage minority language educational facilities. In November the government published a policy statement called "Language Education Policy for Alberta". This and the School Act's French-language regulations clarify the government's intentions. ACFA's initial reaction was that this policy did not go far enough.

Edmonton Francophone parents have been unhappy with the minority-majority situation at École J. H. Picard. They feel that the presence of Anglophone immersion students undermines the quality of schooling and leads to assimilation of minority language students. The Edmonton Catholic School Board announced on December 5 its intention to move grades 10 to 12 Francophone students from J. H. Picard to École Maurice Lavallée. Francophone parents regard this as a breakthrough. At the same time, the Board voted to establish a French-language school in the west end of Edmonton in September 1989.

In **British Columbia** the Fédération des Franco-Colombiens (FFC) has repeatedly urged the province to provide for criminal trials in French. In June the FFC presented a brief to the Justice Reform Committee in which it stressed the necessity of having provincial court services available in French. The FFC met with the Social Credit caucus to discuss concerns which included education and government services. The FFC also met with the Minister of Education, who invited them to submit a model for the management and control of Francophone schools.

In 1979 British Columbia introduced the "programme-cadre de français", a French-language educational program specifically intended for Francophone students. The programme-cadre is taught, with few exceptions, in the same schools in which other programs are taught, rather than in schools exclusively for Francophones. Expansion has been slow and thus far the government has given little indication that it will modify this policy so as to provide minority language facilities as required by Section 23. The Association des parents du programme-cadre de français and the FFC are considering launching a court challenge to the program on the grounds that it fails to provide for minority language schools. There are currently homogeneous French-language schools in Vancouver, North Vancouver and Victoria.

During his visit to British Columbia, members of the Francophone minority told the Commissioner of their interest in creating a Maison de la francophonie. This project, which is intended to be a focal point for the minority community, will need help from the federal and provincial governments as well as the support of the Francophone community. The project suffered a setback at the end of 1988 when the land for it was no longer available.

An agreement between the territorial and federal governments concerning the promotion of French and native languages in the **Yukon** was signed in April 1988. The Yukon committed itself to offering government services in French. Consultations with the Francophone community will be needed to determine which services will be provided. The agreement does not explicitly make French an official language of the Yukon, but it is predicated on the recognition of English and French as the official languages of Canada and recognizes the rights of the Yukon's Francophone minority.

In May, as a result of the agreement, the Yukon adopted its Languages Act, which enshrined the right to use English and French in the legislature and before the territorial courts. Statutes and regulations are to be published in both languages and the right to communicate in English and French with the Legislative Assembly, and with government offices where there is significant demand, is also established. The statute provides a recourse to the courts where these rights are not respected. The scope of this Act can only be diminished with the agreement of the Parliament of Canada. The agreement also provides for measures to preserve, develop and enhance aboriginal languages, including the right to use these languages in the debates and proceedings of the legislature and the provision of certain territorial services in the aboriginal languages. The intergovernmental agreement and the Act were welcomed by the Association des Franco-Yukonnais (AFY) and the Commissioner as an important step in the recognition of minority language rights in the Yukon. No implementation and financial agreement, however, had been concluded between the governments by the end of 1988.

The Yukon intends to introduce a new Education Act and has begun public consultation. The AFY has made appropriate representations on the proposed reform, emphasizing the importance of this Act being consistent with Section 23 of the Charter of Rights.

In 1984 the **Northwest Territories** had adopted an Official Languages Act which recognized both English and French. Its provisions (largely inspired by the Charter of Rights) had been scheduled to come into effect on December 31, 1986, but the government was unable to meet the deadline. The Act was amended in 1986 to extend the deadline to 1990. A consultant was hired by the Northwest Territories to develop a plan for bilingualizing services; a report has been submitted but not yet been made public. While somewhat disappointed by the slow pace, the Fédération Franco-TéNOise (FFT) remains confident of the willingness of the territorial government to implement the Official Languages Act of 1984.

At a special general assembly held September 24-25, the FFT (formerly the Association culturelle Franco-TéNOise) adopted a new constitution and changed its name to the Fédération Franco-TéNOise, a reflection of the evolution of the organization (which was originally involved in the promotion of cultural activities) into a public advocacy group involved in social, cultural, political and community issues. During 1988 the FFT continued its efforts to obtain services in French from Radio-Canada.

Ontario

In the words of Premier David Peterson, Ontario continued its linguistic "nation building". This was the second year of preparation for implementation of the French Language Services Act, so important to Ontario's 484,000 Francophones. In June the Minister Responsible for Francophone Affairs, Bernard Grandmaître, outlined the progress made thus far by the provincial government. French-language co-ordinators are working on language plans and most ministries already have some bilingual resources, especially personnel officers, editors and information staff. Signage, forms, keyboards and basic work documents are being made bilingual where necessary and 8% to 10% of the 90,000 public service jobs are being identified as requiring a knowledge of both languages. Language training programs are being established for some 3,700 public servants. According to Mr. Grandmaître, most government services will be available in French by the November 1989 target date. Best of all, many such services are already available.

Municipalities

Progress at the municipal level has been much slower. A task force report submitted in July to Municipal Affairs Minister John Eakins painted a gloomy picture. With a few exceptions such as Ottawa, Vanier, Hearst and Kapuskasing, services in French are either not available or not of equal quality. Although 175 Ontario municipalities have a significant Francophone population, only 42

provide tax bills in both languages and no more than 25 prepare their council agendas in bilingual format. The report observes that many municipalities do not use, and may not even be aware of, provincial programs designed to help them become bilingual. The report recommends increased aid to municipalities through advice on how to offer bilingual services and English-French terminology banks. Vanier's mayor, Gisèle Lalonde, proposed that an association of bilingual municipalities be set up in the province, arguing that it would be a useful mechanism to help local governments consult with one another on problems associated with operating in two languages. However, the Ontario Association of Municipalities has not yet endorsed this proposal. On the positive side, Cornwall City Council voted in June to accept a bilingual services policy which requires all departments to deal with citizens in French as well as English.

It is worth noting, since the matter gave rise to much needless controversy during municipal elections in November, that Ontario municipalities are not subject to the French Language Services Act. Nevertheless, some Anglophone citizens, led by the Alliance for the Preservation of English in Canada, argued that the Act goes too far and represents a threat to people who do not speak French. A number of smaller municipalities responded to these pressures and held votes to proclaim themselves "unilingual English". However, the province and most municipalities turned down the Alliance's calls to make English their sole language or to hold a referendum on the issue.

Health and social services

Efforts were made to improve the quality of French-language health and social services in bilingual regions of the province, especially Ottawa-Carleton. The Ottawa-Carleton Regional Health Council set up a special committee to advise it on French-language services in local hospitals. The Cochrane District Health Council published a report recommending improvements in French-language services, and plans were underway for a medical and social community centre for Francophones in Toronto. Moreover, following a forum on French-language health services held in Sudbury in November, a study group was set up for northern Ontario and a bilingual co-ordinator for health services in the region was appointed by the Minister of Health.

The new president of the Ontario French Language Services Commission, Gérard Raymond, stated that the language of health and social services would be one of his priorities. The Ministry of Health announced that, when vacancies occur, Francophones would be appointed to the 16 regional health councils in proportion to their representation in the population. Nevertheless, the Association canadienne-française de l'Ontario (ACFO) felt compelled to target health and social services as one of its 1988 priorities because of many shortcomings, not the least of which was that only 1.4% of Ontario's day care centres have French-speaking personnel. ACFO has also become involved in literacy programs because of the high rate of functional illiteracy among Franco-Ontarians. Due in part to a lack of adequate French-language training

opportunities in many communities, this problem is seen as a barrier to the development of essential institutions.

Minority language education

The 94,183 Francophone children in Ontario schools (68,887 at the primary and 25,296 at the secondary level) attend 400 French-language or mixed schools managed by 78 different school boards. Until 1988, however, there was no school board with exclusive jurisdiction over French-language education. On June 29, the Ontario Legislature adopted Bill 109, creating a new French-language school board for Ottawa-Carleton. This long-awaited law, which gives Francophones in the district complete autonomy over the management of their schools, was heralded as a great step forward. The board came into being in December with 22 school trustees, 14 from the Catholic sector and eight from the public sector. It assumed responsibility for some 1,000 teachers and 18,000 students, with an operating budget of $100 million. The province also established a new Francophone public school board in Metropolitan Toronto, with eight trustees and responsibility for five schools. Francophone groups elsewhere were heartened when Education Minister Christopher Ward intimated that French-language boards might be planned for other regions.

The establishment of the new boards and the election of trustees in November were threatened when controversy broke out over another piece of provincial legislation, Bill 125. The purpose of this Bill was to alter the way the total number of Anglophone and Francophone trustees on school boards is determined and provide for the election of trustees by separate electoral rolls to allow for Francophone management of French-language facilities. In the past representation was based on the number of students enrolled respectively in English and French schools; in future, it would be proportional to the population by mother tongue. However, when the government conducted an enumeration of Anglophone and Francophone electors between April and June, it appeared that thousands of Francophones were incorrectly identified as Anglophones. As a result, not only did these electors lose their right to vote for Francophone trustees, but the number of Francophone trustees in some districts was proportionally reduced.

In October the Association française des conseils scolaires de l'Ontario took their grievances on this issue to court. Mr. Justice Sirois of the Ontario Supreme Court ruled that parts of Bill 125 were null and void because they violated Section 23 of the Canadian Charter of Rights and Freedoms. He also ordered that the November elections of trustees should proceed according to the previous rules. His decision was overturned shortly thereafter in the Court of Appeal by Mr. Justice Lacourcière, who found that the earlier decision had come too late to be implemented by the government.

Elections of school trustees took place in November as originally planned and the new French-language boards for Ottawa-Carleton and Metropolitan Toronto

were set up on schedule in December. Meanwhile, trustees and administrators in the counties of Prescott and Russell were discussing ways of implementing the 1987 Godbout Report, which recommended that a French-language board be established in the United Counties. At the same time, Francophones in the neighbouring counties of Stormont-Dundas-Glengarry were also planning to establish an autonomous board in November 1991.

Post-secondary education for Franco-Ontarians

There was good news for Franco-Ontarians at the post-secondary level. In September, Colleges and Universities Minister Lyn McLeod announced that the province was committed in principle to a Francophone community college and that negotiations were to be held with the federal government for funding assistance. It was assumed that the Francophone college would grow out of Algonquin College in Ottawa, which, with 1,700 Francophone students, serves almost two-thirds of Ontario's Francophone college population. The Minister said that a study group from her Department would review organizational models and the relationship between the new Ottawa college and the five other colleges in the province which offer courses in French: Cambrian in Sudbury, Canadore in North Bay, Northern in Timmins, Niagara in Welland and St. Lawrence in Cornwall. It is hoped that this will lead to a network of three or four Francophone community colleges that can adequately serve all Franco-Ontarians. Francophones in districts other than Ottawa were stressing the need for colleges in their areas as well, and were disappointed that only one French-language college was proposed. The government was reminded that proportionately far fewer Francophones than Anglophones take post-secondary education, and that this problem can be linked to a lack of French-language facilities.

There was also a strong feeling in the minority community that the province should have a French-language university. While it is true that Ottawa, Laurentian and York universities all offer some programs in French, these institutions are bilingual, not Francophone, and Francophone students are a minority on campus. The government continues to review this question. On January 12, 1989, the federal and provincial governments announced their agreement on a $100 million project to expand French-language programming and services in the Ontario college system over the next eight years. About two-thirds of the funds will be used to establish a new Francophone college in the Ottawa area expected to accommodate up to 2,500 students by September 1990. French-language college services will also be enhanced in northern and central-southwestern Ontario after study and consultation with Francophone communities.

Promotion of official languages

On November 30 the federal and Ontario governments signed a general agreement on the promotion of official languages. Under it the federal government will contribute 50% of the funding of selected Ontario ministerial and agency projects designed to enhance French-language services and to promote the Francophone community.

Broadcasting

There was good news on the Ontario broadcasting scene. La chaîne française, which is TVOntario's French-language network, managed to extend its services while continuing to provide a variety of high-quality programs for the education and entertainment of the province's Francophones and bilingual Anglophones. However, the network has been established on the basis of a five-year trial period. Since it is a vital link uniting Franco-Ontarians and bilingual Anglophones, whose numbers are growing steadily, it has become urgent for proper planning that a favourable decision on its future be made soon. Many Francophones in northern Ontario were also heartened when the Secretary of State announced a grant for the establishment of a French-language community radio station at Hearst and when another such station went on the air in Penetanguishene.

The Association canadienne-française de l'Ontario had an active year. It expressed concerns over the implications of the Meech Lake accord without better protection for Francophones outside Quebec, and called upon Premier Peterson to make Ontario officially bilingual. Regional chapters of the Association were active and local festivities like Ottawa's Festival franco-ontarien were held in other centres. In Toronto the Conseil des organismes francophones du Toronto métropolitain celebrated its 10th anniversary and announced that the city now has 60,000 people whose first language is French and some 294,000 who are able to speak it.

Franco-Ontarians can take some cheer from these developments and from an Anglophone majority that seems more open to the provincial French fact. According to a Gallup poll published in June, almost half of all Ontarians now favour official bilingualism, with young people most likely to hold this view.

But if these developments are positive, the fundamental question is whether enough is being done and done fast enough. Our study of the Francophone community in Welland (see Introduction) was sobering, and we have little doubt that the trends towards acculturation could also be found among most French-speaking groups across Ontario. The hope for the future lies in effective federal and provincial programs, in continued strong support from the majority and in the undaunted perseverance of Franco-Ontarians in building upon their own strengths.

Quebec

In the words of the Meech Lake accord, English-speaking Canadians are "concentrated outside Quebec but also present in Quebec". If the accord recognizes Quebec as a "distinct society", the Anglophone minority in that province is an element of its distinctiveness. As Guy Rivard, the Quebec Minister responsible for the Charter of the French Language, stated: "Quebec is unique. It is different because of language, social fabric, culture and tradition. The English presence is one of the basic traits of this uniqueness."

Demographic trends

According to 1986 census statistics, 680,000 inhabitants of Quebec claim English as their mother tongue (10.4% of all Quebecers). An additional 117,000 speak English at home. Some 500,000 Anglophones (73.5% of the total) are concentrated in the metropolitan region of Montreal where they have access to a large network of English-language institutions. The remaining 180,000 Anglophone Quebecers reside in other areas of the province where English-language facilities are not always as readily available.

But while Anglophones represent only one-tenth of the provincial population of 6.5 million, they are part of the large majority in Canada and North America. From this perspective, then, Quebec's Francophones are in a minority situation. The narrow demographic base of French in North America puts the language in a vulnerable position; as a result Francophone Quebecers have long felt the need for a greater say in controlling their linguistic destiny. Indeed, conscious of the long-term effects to the province of a falling birth rate and an aging population, the Quebec government initiated a new demographic policy and appointed a minister responsible for the family. The great debate over the Charter of the French Language and the complex pattern of relationships between the two official language communities in Quebec can be fully appreciated only if this broader context is kept in mind.

There are 400,000 Quebecers of various origins whose mother tongue is neither English nor French. The choice which these individuals make in respect of Quebec society is crucial. As Montreal *Gazette* columnist Gretta Chambers has observed (*Language and Society*, Summer 1988), "The integration of immigrants is fast becoming the number one social problem in Quebec....Quebec's English fact, representing bilingualism, is seen as a stumbling block to integration [of immigrants into the Francophone community]."

The evolution of the Anglophone community of Quebec in recent years has been dramatic, and events have made it increasingly concerned about its future vitality. Demographer Jacques Henripin observed (*Language and Society*, Fall 1988) that the net emigration of Quebecers whose mother tongue was English was 16,000 annually between 1971 and 1981 and 8,000 a year between 1981 and 1986. Moreover, many of the emigrants were young people. While Uli Locher, in *Les anglophones de Montréal; émigration et évolution des attitudes 1978-1983*, reports that the exodus was mainly the result of economic factors, others have argued that political and language considerations are inseparable from economic factors. Be that as it may, the impact of emigration on those who have remained has been considerable. As noted in our study of Anglophone Townshippers, some English-speaking communities outside Greater Montreal have shrunk to the point of being barely viable and established institutions such as schools, hospitals, churches and community centres have closed or been taken over by the French-speaking community.

Early in 1988 moviegoers were concerned about certain proposals by the Cultural Affairs Minister to limit the distribution of English-language films without a French-language equivalent. The purpose of amending the Cinema Act was to accelerate the production and distribution of French-language versions of English-language films shown in Quebec. When the film industry undertook to turn out French versions more quickly, the government decided to defer implementation of the restrictive proposals. As the year progressed, the Quebec Film Board monitored the situation and in December a further postponement until May 1989 was announced. It was hoped that film makers would regulate themselves so that French versions of films will be able to compete on a fair footing with the English-language originals.

Anglophone communities outside Montreal have continued to express concerns about the shortcomings of local CBC English-language radio and television programming. Tight budgets have led to reductions in local CBC broadcasts and many are now transmitted from Montreal for reasons of economy. In one case, Quebec City representatives of the Voice of English Quebec oppose the proposed reduction of local English programs from three hours a week to a negligible 30 minutes.

A Supreme Court decision was handed down this year in the case of Nancy Forget, a nursing assistant denied the right to practise because she had failed her French tests. The Court upheld regulations based on the Charter of the French Language, the majority of the justices ruling that the Charter's requirements for professionals were not discriminatory, thereby overturning an earlier decision that had been favourable to Ms. Forget. (See Part I, Chapter 3.) In another case before the courts at year's end, the Town of Rosemere, and certain citizens of Rosemere supported by Alliance Québec, took separate actions challenging the town's loss of its bilingual status under the Charter as a result of its non-Francophone population falling below 50% of the total.

Health and social services

Bill 142, guaranteeing health and social services in English, is now two years old. Implementation of its provisions is proceeding, but members of the minority communities in Montreal and in some off-Island locations continued to draw attention to a lack of essential services in English. There was also disappointment that the Rochon Commission on health and social services did not deal in detail with the problems of applying Bill 142. Although the Commission did recognize the growing social diversity of the population and recommend greater community involvement in the health and social services system, it did not specifically address the particular problems of the Anglophone clientele.

A key element of the implementation of Bill 142 was the development of access plans for English-language services by the regional health councils. Unfortunately, some councils with large minority populations, notably Montreal and Monteregie Councils, have been slow to implement access plans, but

improvements were noted late in the year. For instance, the Estrie Council prepared and distributed an English-language pamphlet on health services in co-operation with the Townshippers Association. On the other hand, some Anglophone groups underscored the lack of bilingual staff in district community service centres and hospitals. Before year's end the Health and Social Services Minister moved to resolve one problem by announcing funding for a group home for troubled Anglophone youths in the Monteregie District. Language problems with some welfare services were also noted. For example, one study reports that 17% of Montreal's Anglophone community lives below the poverty line, and yet welfare services in English in the area leave much to be desired.

Minority language education

In late 1988, the Quebec government completed its study of two bills: Bill 106 (An Act Respecting School Elections) and Bill 107 (Education Act), to establish a linguistic, rather than confessional, school system in the province. Many community leaders, both Anglophone and Francophone, agree that a system established along language lines would best meet the needs of the scattered and dwindling minority population by consolidating the resources of Anglophone Protestant and Catholic schools. It would also encourage greater participation of Anglophone Catholics in the control and management of the schools their children attend. In several instances, Anglophone Catholics now constitute a small minority in school systems managed by Francophones. On the other hand, some school board officials and members of minority communities fear that the legislation may do away with the confessional guarantees entrenched in the 1867 Constitution Act and perhaps threaten the traditional role and autonomy of school boards. The government has agreed to refer the matter to the courts for an opinion on the constitutionality of the proposed reforms. No decision is expected within the next three years, much to the dismay of supporters of the proposed changes.

Despite a recent increase in elementary school enrolments, the number of children in English-language schools continues to decline. Even in the Protestant school boards, where traditionally Anglophones were the overwhelming majority, their numbers are dwindling. For example, a recent study for the Department of Education showed that between 1976-77 and 1986-87 enrolment in the English-language schools of the province fell by 48%, from 215,117 to 111,410. The Anglophone system continues to struggle with school closures, consolidations and huge administrative districts where Anglophone children face very long bus rides to receive education in their language. Francophones in some regions also experience such problems but, as our Townshippers study illustrates, the Anglophones are in a particularly difficult position because they are located in several small communities.

In October Heritage College in west Quebec became the seventh Anglophone college in the province. The Minister of Education observed that with an enrolment of 747 it is now completely independent of the French-language Collège de

l'Outaouais and that the Anglophone community is entitled to manage its own institutions. The Minister also did much to reassure the two language groups when he announced that his Department's priority in 1988-89 would be the teaching of French as a first language, while the focus in 1989-90 would be on both English and French as second languages. Other programs of interest to both Anglophone and Francophone communities were envisaged as well, such as radio broadcasts in both languages designed for the blind or visually impaired beginning in 1990, family support programs, and film and cultural promotion activities.

In March Anglophone Montrealers gained a second daily newspaper, the *Daily News*. The year also saw the founding of the Quebec Society for the Promotion of English Language Literature (QSPELL). QSPELL's first literary awards were given in November to writers from Quebec's Anglophone communities.

One of the most troublesome issues for Quebec's Anglophone minority remains its chronic under-representation in the federal and provincial public services. Alliance Québec president Royal Orr stated: "I find it shocking that there are fewer than 400 English-speaking Quebecers in the [provincial] Public Service. It is unacceptable that the English-speaking community...is virtually unrepresented." Anglophone Quebecers make up only 0.8% of the provincial Public Service. Their participation rate in federal offices in Quebec remains very inadequate although progress has been recorded in the Management and Scientific and Professional categories. (See Part II, Chapter 4.)

Associations representing official language minority communities were active in 1988. Alliance Québec and the Townshippers appeared before the Legislative Committee examining the federal Official Languages Bill and submitted many useful suggestions. These associations, together with Gaspé's Committee for Anglophone Social Action, the Voice of English Quebec, the Outaouais Alliance and the Châteauguay Valley English-speaking People's Association, worked throughout the year on a variety of health and social service issues and community projects. The Townshippers' ninth Annual Day in September was attended by 5,000 people, including then Secretary of State Lucien Bouchard.

Bill 101

On December 15 the Supreme Court of Canada handed down two key decisions involving Quebec's Charter of the French Language. (See Part I, Chapter 3.) In reviewing the freedom of expression provisions of the Quebec and Canadian Charters of Rights, the Court ruled that the province could legislate on language matters and even require the predominance of French on commercial signage. In the Court's view, this was permissible because of a recognized need to protect the French language. But the Court also found that the necessity of prohibiting other languages from signs had not been clearly demonstrated and that there was a conflict with the provisions of both the Canadian and Quebec Charters of Rights. Consequently, Section 58 of the Charter of the French Language was held to be null and void.

The Quebec government acted quickly to fill the legal vacuum created by the Supreme Court's rulings. Invoking the "notwithstanding" clauses exempting legislation from the federal and provincial charters of rights, the government introduced Bill 178 to maintain French as the sole language for outside signs, but allow for the use of other languages indoors in some types of commercial establishments so long as French was predominant. Premier Bourassa argued that this was a compromise solution which respected some of the wishes of those calling for the unilingual provisions of the Charter of the French Language to be reintroduced in full and of those who wanted freedom to use other languages alongside French on signs. The Bill was passed on December 21 by a vote of 84 to 20.

The Opposition in the National Assembly and some members of the Francophone community criticized Bill 178 for providing insufficient protection for French and for being a potential step in what they called the further dismantling of the Charter of the French Language. The Anglophone community also reacted angrily. Three of the four Anglophone ministers resigned in protest and the fourth made no secret of his inner turmoil. The Anglophone media in Quebec and community leaders were virtually unanimous in condemning both the use of the "notwithstanding" clause and the inside-outside formula. There were also critical reactions outside the province and several federal and provincial leaders condemned Bill 178. Premier Gary Filmon of Manitoba went so far as to withdraw his support of the Meech Lake accord, allegedly because of it.

The debate over the language of signs is not new. Readers will recall that during the 1985 Quebec election campaign, Liberal leader Robert Bourassa intimated that he would be prepared to allow bilingual commercial signage; following the election, the Anglophone communities were disappointed when he failed to take any action. The Premier responded to his critics by stressing the overriding need for "social peace" in the face of opposition from many Francophone Quebecers to any modification of the Charter of the French Language.

Alliance Québec considered that, with Bill 178, not only had the government broken trust with the Anglophone community but it was failing to respect fundamental rights. In a strongly worded statement, Royal Orr declared: "It is a dark day for Quebecers...when the government...decides to override a fundamental freedom established by the National Assembly in Quebec's own Charter of Rights and Freedoms....We have a conviction...that the vast majority of Quebecers have confidence in the future of the French language and culture, and are convinced that the protection of that language and culture can be assured without wiping other languages, and specifically English, off the linguistic face of this province." For its part, the *Gazette* commented in an editorial that, while Premier Bourassa had had to make a hard choice, "the clear implication of the Premier's decision is that it is acceptable to promote one group's rights by suppressing another's." By contrast, most editorials in the French-language press took a very different view. Paul-André Comeau wrote in Montreal's *Le Devoir*:

"...the government of Quebec cannot ignore its first and fundamental duty to look after the interests of French-speaking Quebecers. It is therefore right for it to take steps to ensure not only their survival but also their full development." [Our translation.]

Reviewing Quebec's official reaction to the Supreme Court's decision, the Commissioner stated on December 20 that in his opinion it would have been preferable for Premier Bourassa to ensure the predominance of the French language in the province without recourse to a notwithstanding clause limiting fundamental rights. He drew attention once again to the asymmetries between our English- and French-speaking minorities and the threats to the French language in the North American context. He nonetheless reaffirmed his well-known stand in favour of a generous attitude toward official language minorities and respect for their fundamental constitutional rights, of which freedom of commercial expression as defined by the Supreme Court of Canada was one, and noted that he had so informed the appropriate authorities. The Commissioner expressed the hope that the province would in the near future find the means to protect its cultural security without the use of restrictive measures such as those in Bill 178.

There was bad news at the very end of the year. For the second time in recent years — the first was the burning of the Société franco-manitobaine offices in St. Boniface, Manitoba, in January 1983 — an attack was made against the headquarters of a minority association. On December 30 the Alliance Québec offices in Montreal were destroyed by a fire of criminal but still unknown origin. The Commissioner stated that he was shocked by the incident and that, in light of the many threats received by Alliance Québec, the fire appeared to be designed to intimidate "this organization which is committed to the defence by peaceful and democratic means of the interests of English-speaking Quebecers and our other minorities in Canada."

At year's end the debate on the Supreme Court decision and the new signage act was still raging both among Francophones and between them and the Anglophone community and there was little doubt that the newly aroused tensions would continue into 1989. Nevertheless, there was also a widely held belief that the province should begin to focus on other matters. Many Quebecers want to put linguistic quarrels behind them and allow wounds to heal. This point was eloquently made in a Christmas message by Montreal's *La Presse* columnist Lysiane Gagnon: "Today marks the beginning of the festive season. As we gaze about us in the streets of our cities, let us not look at signs but rather at ourselves. Let's call a truce: peace on earth, good will towards men." [Our translation.]

The Anglophones of Quebec, who are almost as numerous as the Francophones outside Quebec, have felt the need to vent their grievances. At the same time, the Quebec government, the only majority Francophone government in North

America, made an agonizing search for a better solution and found no practical alternative, in its view, to the use of special constitutional measures to protect the French language. But the two communities have accepted the need for renewed dialogue. Many Francophone Quebecers are speaking out for minority rights and polls consistently show wide support for some measure of bilingualism in Quebec, for instance in the area of services. It has been pointed out that serving minorities in the language of their choice does not necessarily impose massive changes. The federal government does not do it perfectly, but manages pretty well with a percentage of bilingual staff that reflects fairly closely the proportion of Francophones in Canada. Moreover, the Anglophone community seems to be recovering from the trauma of the exodus and the trend appears to be stabilizing, thanks to improved economic prospects for the province of Quebec. Its educational, health and community institutions are surviving and its dynamic leaders maintain a constructive dialogue with the majority community. As for the Francophones, it must be recognized that Bill 101 has led to an improved feeling of cultural security that in our view should not be unduly disturbed by changes brought about either by the Supreme Court or even by Quebec's own National Assembly.

The Atlantic Provinces

There was good news and bad news in 1988 for the 282,000 Francophones in the Atlantic provinces. The good news included significant improvements in minority language post-secondary education and government services in New Brunswick, which adopted its Official Languages Act exactly 20 years ago but had never issued specific policies. Prince Edward Island concluded a framework agreement on official languages with the federal government, and a favourable school decision by the province's Supreme Court and the subsequent provincial government response were welcomed by parents in Summerside and the whole Acadian community. The decision to establish a new Francophone community college in Nova Scotia was another positive development. The bad news included the fact that *Le Matin*, successor to *L'Évangéline*, ceased publishing in June. There was sharp disappointment for Francophone parents in Sydney, Nova Scotia who, after years of struggle, appear no nearer to having a French school following a crushing decision by the Nova Scotia Supreme Court. And in St. John's, Newfoundland, Francophones faced an endless battle for the right to instruction in French.

New language policy

In **New Brunswick**, the McKenna government announced its official languages policy in August 1988, less than a year after coming to power. The policy is the work of a cabinet committee chaired by Aldéa Landry, chairperson of the Executive Council and Minister for Intergovernmental Affairs. Based on the Constitution Act and provincial official languages legislation, it is designed "to offer and provide services of equal quality in both official languages and to guarantee such services to members of both linguistic communities." The policy applies to language of service and language of work in all provincial

"departments, agencies, Crown corporations and institutions." Rights in the area of language of service are clearly stated: "This means that residents or organizations who communicate with any department, agency, Crown corporation or institution of the Provincial Government can do so in the official language of their choice and that they can expect to receive the available service in the official language of their choice wherever the service is provided." The policy is less clear on language of work, and effectively softens language requirements in supervision and day-to-day operations during the implementation period. The document also guarantees that the employment and advancement opportunities of unilingual employees will not be affected by the policy.

Some Anglophones in the province fear the policy will nevertheless compromise their situation and career opportunities in New Brunswick's Public Service. On the other hand, the Société des Acadiens et des Acadiennes du Nouveau-Brunswick (SAANB) finds the document "vague" and feels it "merely re-orders the status quo." In SAANB's view, it is unfortunate that the government did not agree to the idea of a provincial language rights commission or make a stronger commitment in language of work, and that it avoided the issue of equitable participation altogether. It is high time, according to the Société, that the province passed an official languages act at least equal in scope to the federal legislation.

SAANB would also like to see Bill 88, which recognizes the equality of the two official language communities in New Brunswick, entrenched in Canada's Constitution, as is already the case with the province's Official Languages Act. Although Premier McKenna, who is committed to that goal in the long term, has not responded to this wish, he has expressed serious reservations about the Meech Lake accord since, among other things, it contains no specific mention of the Francophone community of New Brunswick. Last fall the legislature began public hearings on the Meech Lake accord which were to be expanded to include the constitutional demands of Francophones outside Quebec.

Moncton's French-language daily, *Le Matin*, stopped publishing in June. Despite the sustained efforts of Francophone community leaders in the months that followed, no way was found to re-publish the paper, which had been of such vital importance to the socio-cultural development of Acadians. Fortunately, Caraquet's French-language daily, *L'Acadie nouvelle*, is still in business and is even planning to expand. A number of weeklies, including *Le Madawaska*, *L'Aviron*, *Pro-Kent* and *L'Express du Sud-est* are also in operation.

Community radio

Through a great deal of hard work, community radio in the Acadian peninsula became a reality when CKRO-FM went on the air on July 18, 1988. This first community radio station in the province will likely be followed by other similar projects in Edmundston, Saint John and Fredericton. The new stations will complement the CBC's French-language AM network, which produces more than 40 hours of programming a week for New Brunswick. The province's

Francophones already receive CBC French-language television and have cable access to a number of other French-language television stations. However, TV5 is still received by only a small minority.

Education

The University of Moncton celebrated its 25th anniversary in 1988. The university now has a student population of some 4,400 at its campuses in Moncton, Edmundston and Shippegan, and this year added mechanical engineering to its course calendar. As explained in a recent work by Benjamin Higgins and Maurice Beaudin, the University of Moncton continues to exercise considerable influence on the socio-cultural development of Acadians and the province as a whole.[1] In addition, Dieppe Community College officially opened in 1987 and was attended in 1988 by nearly 450 students. The college is one of four such French-language institutions in the province.

New Brunswick's dual school system is more comprehensive and consistent with Section 23 of the Canadian Charter of Rights and Freedoms than any other in the country. The provincial Department of Education is composed of two parallel administrations, each headed by a deputy minister, with some joint services that apply to both structures. The French-language system comprises 15 Francophone school boards, governing 157 schools, 2,622 teachers and 46,000 students.

To date three school and community centres have opened in Fredericton, Saint John and Newcastle to the enthusiastic welcome of all Acadians. The centres are attracting more and more members of minority communities, particularly students, who use the cultural and recreational facilities. The province also has a number of cultural and historical societies, four publishing houses and three professional theatre companies, all of which attest to the vitality and cultural development of New Brunswick Acadians.

French-language health services

In our 1987 Report we referred to a number of persistent problems in the provision of French-language health services to several Acadian regions, particularly in the northern part of the province. The government has since announced a remedial program and allocated initial funding of $10 million to correct weaknesses such as those pointed out by SAANB in a report to the government entitled "Concertation". In that document, SAANB recommended that "...all health facilities in New Brunswick be required to provide general information, ambulance and emergency services in both official languages at all times." [Our translation.] While in Fredericton in May 1988, the Commissioner drew

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[1] In "Impact de l'Université de Moncton", a study they conducted for the Canadian Institute for Regional Development Research, the authors write: "The University of Moncton may rightly be called a progressive university, perhaps more so than any other in the province, or even in the Atlantic region, because it emphasizes those fields which make the most direct contribution to the province's development: business administration, public administration, fisheries management, science and engineering, education, forestry, economics, law...". [Our translation.]

attention to the provincial government's commitment: "One gets the impression that efforts are being made to translate political commitments into concrete action."

Once again this year New Brunswick Francophones pointed to weaknesses in municipal services. While Anglophones can usually obtain municipal services in their preferred language, this is not the case for Francophones. Even in regions with large Anglophone and Francophone populations, very few municipalities have a formal language of service policy or monitor its implementation adequately. Moncton citizens, for example, reported that it was difficult to obtain proper service in French at their emergency number and Edmundston city council decisions are still prepared in English only. During the international chess tournament held in Saint John, the city was unable to equal Calgary's excellent language performance at the Olympic Games and failed to provide a number of services in French. On a positive note, representatives of 14 municipalities met last September in Beresford and decided to organize an association of Francophone municipalities of New Brunswick. That decision is definitely a step in the right direction and the association will no doubt help solve certain language problems at the municipal level.

Collège de l'Acadie

In August the governments of Canada and **Nova Scotia** announced the signing, in Meteghan, of an agreement to found a "Collège de l'Acadie" to serve the Francophones of the province. Under the terms of the agreement, the federal government will pay half the start-up costs. Based on the classroom-without-walls concept, the institution will use the latest distance teaching technologies and will become part of one of the seven regions of the province's community college system. According to Nova Scotia's new Minister for Acadian Affairs, Guy LeBlanc, "The founding of the Collège de l'Acadie is a giant step forward for our Acadian community." Acadians will now be able to pursue their education in French without having to leave their homes. The need for the college became obvious this year when full-time enrolment at the Université Sainte-Anne, the only university-level French-language institution in Nova Scotia, rose to 300, a 34% increase over 1987.

While there is good news about post-secondary education in Nova Scotia, the situation is quite different at the elementary level. Last year we reported the decision of the Nova Scotia Supreme Court in response to demands by parents in Sydney for a French-language school. Mr. Justice Hallett had ordered the Cape Breton District School Board to find a suitable educational facility for a French-language school and to call for the registration of students. When this took place in early June, only 50 students enrolled. According to the parents, the low registration rate was the result of a lack of advertising, the nature of the program, the quality of the facilities provided and the school board's simultaneous announcement that it was introducing French immersion classes. The Minister of Education therefore decided there were too few students to justify the necessary

$1 million investment in the school. Mr. Justice Hallett ruled that the Minister's decision was reasonable in the circumstances and that a minimum of 150 students would be needed to justify opening a French-language school to be managed by the Francophone community. The parents are planning to appeal the decision. (See Part I, Chapter 3.) In the meantime, the students involved continue to attend school in English. On another negative note, the opening of the French-language school and community centre planned for Halifax-Dartmouth in 1989 may now be delayed. The lot originally selected was too small. The project committee looked for a more suitable lot and a final decision was taken at year's end. Nova Scotia Francophones nevertheless took some satisfaction in two events: three Francophones were elected to the provincial legislature in the September general election, and provincial minister Guy LeBlanc announced a policy to provide all government services in French in Acadian regions of Nova Scotia. In addition, the province's first French-language trial was conducted in Port Hawkesbury on January 25, 1988.

The Fédération acadienne de la Nouvelle-Écosse (FANE) this year published the results of a major survey of the province's Francophone population. Results show that Francophones are now more familiar with FANE than in the past and would like to see the Fédération play a greater role in promoting Acadian language and culture, as well as in other related fields. According to the survey, young people also attach greater importance to the French language than previously, and most respondents identified themselves as Acadians.

Francophone parents in the Summerside region of **Prince Edward Island** won an important victory in their struggle to obtain a more complete Francophone school system. In handing down its decision in favour of the parents, the Prince Edward Island Supreme Court commented: "Overall, by Section 23, the linguistic minority becomes entitled to a minority language education. Parliament having been so explicit in setting forth this right, it is inconceivable that it would not mean to include the right of the linguistic minority to participate in the program development and delivery of such a right...". (See Part I, Chapter 3.) The way is now open for the Island's Francophone minorities, the school boards and the provincial government to bring about much-needed reforms to allow for adequate French-language schools to be managed by Francophones.

New language agreements

On May 3 the federal and provincial governments agreed to sponsor two special projects to promote literacy proposed by the Société Saint-Thomas d'Aquin (SSTA) and the Literacy Council of Prince Edward Island. One important aspect of these projects is a literacy awareness campaign aimed at the Francophone community. On June 27 a federal-provincial framework agreement was signed for the promotion of the official languages on the Island. The federal government will contribute $5 million over the next five years to the province's language programs. Following publication of a report critical of the neglect of Acadian needs and interests, the Minister Responsible for Acadian Affairs, Léonce

Bernard, announced plans to further extend French-language services to the Acadian population, and a special Acadian Forum in November explored other possibilities of language reform.

There is already a provincial bilingual service centre in the Évangéline area of Prince County, the region with the largest concentration of Francophones. Present plans, prepared jointly by the two levels of government, call for federal services to be offered through existing provincial offices in the area. The Évangéline centre will have permanent bilingual staff and provide telephone access to all federal departments on the Island. There was also good news for private telephone callers. Following meetings with SSTA, the Island Telephone Company agreed to upgrade its French services. Lastly, the governments of Canada and Prince Edward Island signed an agreement to establish a Francophone school and community centre in Charlottetown.

FFTNL Construction began last summer on another school and community centre, in Mainland, **Newfoundland**. The new facility should be open in 1989 for students from kindergarten to grade 6 and will also contain a library, music room and gymnasium. Although the Fédération des francophones de Terre-Neuve et du Labrador (FFTNL) is satisfied with progress to date, it is nevertheless asking that a direct road link be built between Mainland and Cape St. George, another French-language community in the region, where Francophone students from Mainland will have to commute to attend secondary school. The FFTNL opened a new office in Stephenville to enhance the Francophone presence in the region. The Association francophone du Labrador demanded better French-language services at the Captain William Jackman Memorial Hospital in Labrador City. In response to that pressure, the hospital began offering French courses to its employees.

Although Francophones on the west coast of Newfoundland have met with some success, such has not been the case for Francophone parents in St. John's, where the local school board has refused to establish French-language classes. The Minister of Education has set up a committee to review the matter, and parents are appealing to the courts. The province plans to amend its education legislation soon; we hope the process will result in greater respect for Francophone education rights. The province also signed an agreement with the federal government on education in French and the teaching of French as a second language. Under the terms of the agreement, Ottawa will contribute $3.7 million for these programs.

Last year, we reported on the case of William Ringuette, who was refused a trial in French. Although Newfoundland has yet to conduct its first French-language trial, its criminal justice system is quietly acquiring bilingual capacity. Newfoundland's first bilingual Provincial Court judge, W. Michael Roche, was appointed this year.

3. Radio and Television: A Strong Signal

Broadcasting is vital to the promotion of Canada's identity. That much was amply demonstrated by the Caplan-Sauvageau Task Force on Broadcasting Policy, briefs from minority associations and the reports of the Legislative Committee on the Broadcasting Act (Bill C-136). All agreed that Canada must pass new legislation and allocate the resources required to make the country's broadcasting system reflect and promote our national values and, more particularly, our linguistic duality.

Virtually every group and individual consulted during preparation of the new Broadcasting Act acknowledged the prime importance of the Canadian Broadcasting Corporation for our cultural development and the remarkable quality and diversity of its programming. Several, however, lamented the fact that some Canadians still cannot receive all CBC services in their preferred official language. The cities of Yellowknife and Whitehorse, for example, are not adequately served in French, and for a number of years the Timiskaming district of Ontario has been asking for CBC programming from Toronto rather than Montreal. Finally, some parts of Canada still cannot receive the CBC's FM stereo service.

Bill C-136

Last June the Honourable Flora MacDonald, then Minister of Communications, tabled the long-awaited Bill C-136 in the House of Commons, together with a detailed policy entitled "Canadian Voices, Canadian Choices". The purpose of the new legislation was to confirm the CBC's national broadcasting role, increase Canadian content and define more clearly the responsibilities of the Canadian Radio-Television and Telecommunications Commission (CRTC).

Unfortunately, Bill C-136 died on the order paper when Parliament was dissolved last October. The Bill was, in our view, well conceived in linguistic terms and would have been an effective instrument for promoting the official languages of Canada. It stated that the operating conditions and requirements of English- and French-language programming, the very essence of our broadcasting system, are different from one another, and directed the CRTC to acknowledge this principle. Of particular interest to us were two provisions

requiring the CBC to "have regard to the principles and purposes of the Official Languages Act" and to ensure that its programming would reflect "the different needs and circumstances of the two linguistic communities, including the particular needs and circumstances of English and French linguistic minorities." We subscribe unreservedly to these clearly worded provisions, which we feel would do much to improve the linguistic health of our minorities. For all these reasons, it is our fervent wish that in 1989 Parliament pass legislation corresponding to Bill C-136.

The official language minorities

One question remains: how much additional funding should the CBC receive to help it better meet the needs of the official language minorities? At the CRTC's request, the Corporation answered this question in the Gilbert *Study into the Television Programming Needs of Francophones outside Quebec* by establishing an action plan and assessing implementation costs at $80 million over five years. We hope the CBC will give this project priority and that it will receive the necessary resources to make it a reality. Another matter requiring action is the lack of local programs for the Anglophone minority in rural Quebec, particularly in the Eastern Townships and the Gaspé. It is impossible to over-estimate the importance of CBC radio and television for the development of minority communities across the country. Accordingly, we recommend that the CBC give priority to improving its broadcasting services to official language minority communities and, in particular, to developing local programming for these groups.

Televising House of Commons debates

The CBC is also responsible for broadcasting House of Commons debates. Three versions of the parliamentary channel are available: English, French and the original version in which MPs speak, uninterpreted, in their own language. Since cable companies usually offer only one of the three, some viewers are obliged to follow the debates in a language other than their own. This situation has led to many complaints in recent years. One particular problem arose during the 1988 federal election campaign, when Elections Canada decided to broadcast separate English- and French-language announcements on the parliamentary channel concerning the electoral process and the right to vote. The cable companies' failure to comply with the language preferences of their viewers on this occasion brought strong reactions from several regions of Canada. Official language minorities should have access to House of Commons debates in their language, and the regulations passed under a new Broadcasting Act should help resolve this matter. We recommend that the CRTC examine this situation within its regulatory framework.

The CBC's news channel

In 1987 the CRTC called for proposals for the introduction of a national 24-hour-a-day news channel and, after reviewing proposals, granted a licence to the CBC. For many Canadians the news channel will offer an alternative to the American Cable News Network. Although the initial project called for an English-language service only, the CBC altered its plans at the government's request and now expects to offer a French-language channel with private sector

participation. The English-language news channel will begin broadcasting in 1989, its French counterpart in 1990.

The launching of TV5 is without doubt one of the great achievements of the Francophone Summit held in Quebec City in 1987. It is the first international French-language television channel and was developed by a consortium of French, Belgian, Swiss and Canadian companies with, of course, strong representation from Quebec. Despite setbacks in the early stages, TV5 is now received in Quebec, the National Capital Region and in a number of other parts of Canada with Francophone communities. The CRTC, the Department of Communications and the Canadian Cable Television Association deserve praise for their attempts to ensure that TV5 is also available outside Quebec. The Prime Minister is committed to that goal, and it is to be hoped that TV5 will meet with every success in its endeavours.

Another piece of good news is that, since July 1988, Montreal's French-language TVA network has been available to cable companies outside Quebec through CANCOM, a satellite services company. The monthly subscription rate has been set at five cents, a modest cost we hope will encourage cable companies to use the service and expand the offerings of French-language television stations in poorly served regions.

All these are timely achievements indeed and have helped apply, at least in part, one of the principles set out in Bill C-136: progressively to provide a range of broadcasting services in English and French to all Canadians as resources become available. We hope the legislation eventually adopted will confirm this commitment so important to the development of Anglophone and Francophone minorities in Canada, one of the basic objectives of the 1988 Official Languages Act.

We recommend that:

- **the Canadian Radio-Television and Telecommunications Commission review, within its regulatory framework, the question of improved access of official language minority communities to broadcasts, in their own language, of House of Commons debates;**

- **the Canadian Broadcasting Corporation set as a priority the need to improve its broadcasting services for official language minority communities and, in particular, to develop local programming for those communities, as stated in the report it submitted to the Canadian Radio-Television and Telecommunications Commission.**

PART V

Second-Language Instruction: Building Bridges

1. Priorities and Planning: Managing the Issues

Some 20 years after the Royal Commission on Bilingualism and Biculturalism recommended universal compulsory second-language teaching in the schools, a majority of Canadian school children are studying English or French as a second language. While many Canadians agree that this is a good thing, opinions differ as to the best way to learn a language and the optimum number of hours a student should be exposed to the second-language in a given year. In this chapter we discuss some of the issues and choices facing second-language students, their parents, teachers and administrators. The Regional Roundup that then follows gives a close-up view of second-language teaching in each province and territory. Minority language education is discussed in Part IV.

With the recognition in 1969 of equal status for our two official languages in federal institutions, second-language learning in Canada took on a special importance. It became evident, especially to Anglophones, that acquiring a knowledge of the other official language would be an asset. Many parents hoped that their children, with second-language skills, would be well equipped to participate fully in the development and growth of Canada. Since they knew that language, like physical fitness, could not be obtained without good quality coaching and training, they became actively interested in requesting and promoting more and better second-language learning opportunities for their children. As the B and B Commission put it: "Since language is the basic ingredient of culture, our major concern...has been the opportunities for each of the two main linguistic groups in Canada to have access to an education which would allow the fullest expression and development of the mother tongue, and at the same time ensure an adequate communication between the two societies."[1]

The principles stemming from this premise are expressed in Section 43 of the 1988 Official Languages Act and in its Preamble, which reaffirm the minority

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[1] *Report of the Royal Commission on Bilingualism and Biculturalism*, Book II (1968, p. 295).

official language education rights guaranteed in the Charter of Rights and Freedoms and encourage and support the learning of English and French as second languages.

Access to second-language instruction

Canadian educators give every sign of agreeing with the principle that a grounding in the second official language is an important goal that deserves every encouragement. In the parts of Canada known as the "bilingual belt", French is already compulsory for most students through all or most of their school years. Quebec offers compulsory French from grade 1 to the end of secondary school and English as a second language from grade 4 on. In New Brunswick, students must study French from grades 1 to 9, or English as a second language from grades 4 to 10. Ontario requires 600 hours of French in elementary school as well as at least one credit at the secondary level.

Elsewhere in Canada the offerings are less consistent, but still impressive. For instance, Prince Edward Island schools offer French from grades 4 to 9 and in the Yukon French is compulsory from grades 5 to 10, while Manitoba schools that choose to offer French must do so from grades 4 to 12.

Last year Newfoundland's Policy Advisory Committee on French Programs recommended compulsory French classes from grades 4 to 9, and the Advisory Committee on the Public School Program in Nova Scotia, where French is compulsory from grades 4 to 6, recommended a compulsory credit in French between grades 10 and 12. In British Columbia, the provincial Royal Commission on Education recommended that a common curriculum for all students from grades 1 to 10 should include French as a second language: "French as a part of the common curriculum from its outset, reflecting the national policy of bilingualism, will help students to acquire language proficiency and appreciate the value of learning a second language."

The Ontario Ministry of Education holds that a student needs a minimum of 1,200 hours of exposure to the second language to attain "basic level" skills. This basic level is described in the 1974 Gillin Report as having a "good fundamental knowledge of the language"; being able to make oneself understood in conversation; being able to read standard texts with the aid of a dictionary; having some knowledge of the other official language community; and being capable of recommencing study of the language at a higher level if and when motivated to do so in later life. To reach this level, a student who spends 12 years in elementary and secondary school would have to study the second language for an average of 100 hours a year. A minimum of about 90 hours a year at the elementary level and 100 to 150 hours a year in high school is recommended or required by most provinces, with variations from school to school. Nationally, about 60% of Anglophone schoolchildren study French in any given school year. However, some will not take French consistently throughout their education and

will not achieve a level of knowledge that is protected from rapid deterioration as soon as they stop using the language.

While the proportion of elementary students who take French has risen steadily from under 30% to almost 60% since 1970-71, high school enrolments have dropped about 10% in the same period. This is no doubt due in part to the fact that French is often not a prerequisite for high school graduation or university entrance. Teenagers, especially those who have already achieved some competence in their second language, need special encouragement to continue to flex their linguistic muscles through the higher grades.

Second-language programs

Depending on where they live, schoolchildren may have up to five different second-language programs from which to choose. These include core English or French, enriched core French, early, middle and late immersion and intensive English.

- Core English or French is the standard, traditional way of teaching languages, involving from 40 to 150 hours a year of classroom exposure, depending on grade level and province.

- Enriched Core French, also known as extended core, presents a mid-course between traditional language teaching and immersion. Students in an enriched core program may study one or two subjects in their second language and should eventually receive a total of 2,100 hours or more of instruction during their school career.

- In Quebec, where there is no English immersion, some Francophone students are enrolled in Intensive English classes where English as a second language is generally taught for five months. These programs, still in the experimental stage, show very promising results.

- With as many as 1,000 hours in some years of the program, French Immersion offers the longest exposure to the second language. Most or all curriculum subjects are taught in French, and children may start in kindergarten/grade 1 (usually known as early immersion), grade 4 (middle immersion) or grade 6-7 (late immersion). A minimum of 5,000 hours of instruction is generally considered necessary to achieve the objectives of immersion, which include the ability to study, work and live in a French environment.

Core and immersion

Immersion has proven to be a popular form of language instruction and an extremely effective means of producing bilingual graduates. It is also a demanding program that requires special teacher training and the development of specific classroom materials. Enrolments continue to increase; they currently stand at 241,000, up 9% from 1987.

The success of immersion, as well as the attention and research focused on it, have caused some people to view core French as a poor cousin. We believe, however, that well-planned and well-taught core French programs can provide students with a basic knowledge of their second language from which they can further develop their skills later in life. Improvements are needed and we look forward to learning the results of the National Core French Study funded by the Secretary of State, due for release at the annual conference of the Canadian Association of Second Language Teachers in May 1989. Pilot projects associated with the study are already benefiting second-language students across the country.

French immersion and French-language education

Another unfortunate side-effect of the success of immersion is the confusion that persists in many localities between French immersion programs and French schools intended for members of the minority. In some cases the growth in immersion programs is seen as evidence of support for Francophone educational rights; in other cases, Anglophone parents view French schools as the ultimate immersion experience for their children. Such views, however sincere, may unwittingly exacerbate relations between majority and minority official language groups.

To understand the concerns of minority communities, one has only to compare enrolments in the two programs. In Alberta alone some 26,000 Anglophone children are in French immersion; by contrast about 1,900 Francophones attend minority language schools. In fact, in all but two provinces outside Quebec, more students are enrolled in French immersion programs than in minority language schools — sometimes 10 times more. To foster a better understanding of differing needs, several provincial chapters of Canadian Parents for French, in co-operation with provincial Francophone organizations, have produced brochures that distinguish clearly between French first-language education and French as a second language.

Despite such efforts, the distinction is still not clear in the minds of many Canadians. Indeed, in a study undertaken by the Conseil de l'éducation franco-ontarienne entitled "L'éducation de langue française en Ontario à l'heure de l'immersion", the authors fear that failure to recognize the differing needs of Anglophones and Francophones in regard to French-language education may lead to a dilution of the "clientele" of minority schools severe enough to destroy their usefulness in fostering French language and culture. In addition, education funding based on student enrolment is seen by the researchers as problematic. Some of the difficulties inherent in providing a fair level of funding to both groups were discussed in last year's Annual Report.

Several recent developments also affect French instruction in Canada in general. One such project is PÉLAGIE (Pédagogie en Langue française: Guides et Informations pour les Éducateurs), which links existing teaching resource

centres to a central data bank and thus makes documentation on the teaching of, and education in, French available across Canada. This project, which the Council of Ministers of Education, Canada, created in 1985 and funded for an initial start-up period of three years, was originally known as the French Language Information Network (FLIN). PÉLAGIE currently contains records describing some 3,500 written and 150 audio-visual documents.

Quality of second-language instruction

Teacher shortages

No matter what type of second-language program is in place, students will not benefit fully unless there is an adequate supply of well-trained teachers. Every province has at least one centre for teacher training and professional development, but few can produce enough teachers to satisfy the increasing demands for both core French and immersion programs. Some, like New Brunswick, train well-qualified French-language teachers, many of whom end up working in other provinces. Problems can, however, develop when provinces like Saskatchewan "import" French teachers to rural Anglophone communities, environments to which the newcomers may be unable to adapt. Many educators and parents consider the teacher shortage to be the most important issue in second-language teaching.

The feasibility of re-training Anglophone teachers for immersion or core French programs was examined in a study undertaken by J. Clarence LeBlanc for the Canadian Teachers' Federation. In his report, "Retraining Teachers for French Second Language Instruction", published in February 1988, the author concludes that "some teachers can retrain...but only a very small fraction of the teacher population." In general, more candidates for teacher training and more places at faculties of education are needed. Professional development for experienced teachers is another area that deserves more attention. The "communicative" approach to language teaching, which downplays formal grammar and memorization in favour of oral fluency and comprehensibility, is now considered to be state-of-the-art teaching methodology in every department of education. However, not all teachers have had a chance to learn this new approach.

Supplementary activities

Another crucial part of quality second-language teaching is access to exchanges, French camps, contests, games, and visits to plays and movies in the students' second language: supplementary activities that show students how much fun practising their second language can be. As one might expect, students in remote or linguistically isolated areas are less well served in this regard than those in richly bilingual regions and in major centres. But all kinds of organizations and individuals are involved in providing these activities, one example being the Scarborough, Ontario, French teacher who has started to co-ordinate registration and transportation for children wishing to attend Quebec summer camps.

The Department of the Secretary of State has a number of long-standing programs to promote English and French teaching and learning. The Society for

Educational Visits and Exchanges in Canada, a private group, organizes exchanges, and some departments of education have shown considerable initiative in providing extra-curricular second-language learning opportunities. For instance, the Quebec Ministry of Education has for 10 years run an exchange program that now involves some 350 students from eight provinces. Quebec students spend three months living and going to school with their out-of-province counterparts; in the spring the visit is reciprocated. Among other activities, Ontario's Ministry of Education runs a twinning program with Quebec in which students exchange correspondence. The Department of Education of the Northwest Territories brings in Francophone entertainers to tour all French classes, and also funds and buys copies of a monthly activity page in the French newspaper *L'Aquilon*.

Canadian Parents for French

One of the most tireless and imaginative providers of extra-curricular French activities is Canadian Parents for French (CPF) whose popular annual Festival national d'art oratoire involves more and more students every year. In 1989 CPF plans to hold the Festival in the capital of Prince Edward Island to celebrate the 125th anniversary of the Charlottetown Conference, the precursor of Confederation. "RENDEZ-VOUS CANADA", a major new initiative that brings Anglophones and Francophones together for a weekend conference to show students that French is alive in their own province, shows signs of becoming an important event in every province; nine conferences are planned for 1989. CPF also sets up French camps, organizes and publicizes exchanges and cultural events and generally keeps parents and teachers informed of the rich opportunities that exist across Canada. The Alberta chapter uses the theatre group "Boîte à popicos" to produce shows by and for schoolchildren; the Yukon chapter publishes a very popular children's art calendar in French; and the Northwest Territories chapter, along with local Francophones, is lobbying for access to CBC French television and radio.

Post-secondary French for Anglophones

The question of French offerings at the post-secondary level was once again an important subject of discussion across Canada. The main difficulty is that of accommodating bilingual students who wish to maintain or improve their French at this level without putting in jeopardy the legitimate claims of Francophone students for access to post-secondary education in French in a suitable linguistic environment.

Professor Arthur LeBlanc of the University of Manitoba, who has conducted a number of studies in this field, has suggested that universities should be prepared to offer bilingual Anglophones improved courses in modern language or French departments, extended offerings in French in departments and faculties whose usual language of instruction is English and extended support services in French. French centres, lounges, study areas, clubs and library holdings are some of the

tools that can help university and college students maintain and improve their second-language skills until such time as they may be put to use in the work world.

The Ontario chapter of Canadian Parents for French held its fourth conference on this subject in April 1988. For the first time community colleges and guidance counsellors were included in the discussions, the latter because they provide a crucial link between secondary schools and universities and colleges when it comes to matching students with available courses. Besides French offerings for bilingual students, teacher supply was also discussed since it is in post-secondary institutions that future teachers will be trained and teacher shortages will only be avoided by co-operation and national planning. Conference delegates recommended that a coalition of all interested groups (teachers' federations, school boards, etc.), be established to work further on the issue.

The different goals to be achieved through French offerings after high school range from those of the student who wishes to become an immersion teacher to those of the one who simply wants an opportunity to remain fluent by using French once or twice a week in a social situation. As immersion graduates begin to reach post-secondary institutions in greater numbers, the time has come to plan nationally and within each province to accommodate these students in the most practical way.

Number of bilinguals in Canada

Not surprisingly, with all this focus on second-language learning, the number of bilingual people in Canada is rising. According to 1986 census data, over 4 million Canadians say they are able to conduct a conversation in both official languages. These "bilinguals" represent 16.2% of the population compared with 15.3% in 1981 and 13.4% in 1971 (an increase of over a million people in 15 years). The proportion is even higher among young people between the ages of 15 and 24, of whom 20.5% declared themselves bilingual.

According to Gilles Grenier and Réjean Lachapelle in their November 1988 report "Linguistic Aspects of the Demographic Evolution in Canada", bilingualism is still most common among Francophones. About 30% of Francophones in Quebec (over 1.5 million people) stated in 1986 that they could speak English, whereas about 6% of Anglophones outside Quebec (another 919,000 people) stated that they could speak French. Well over half of Quebec's Anglophone population (397,000 of 666,000) and over 80% of Francophones outside that province (785,000 of 931,000) also said they were bilingual.

Gains vary greatly from region to region. Anglophones and Francophones are becoming bilingual at almost exactly the same rate; the increase is about 10 percentage points since 1971 in Ontario regions of contact like Ottawa, where both groups are well represented and mix frequently in the normal course of affairs.

There, in 1986, 22.8% of Anglophones and 85.2% of Francophones declared themselves to be bilingual. In New Brunswick regions of contact, the proportion of bilingual Anglophones and Francophones has increased by almost 11 percentage points over the same period, to 21.7% and 61.7% respectively.

However, the proportion of bilingual Anglophones is surpassing that of Francophones in Quebec regions of contact where almost 60% of Anglophones declared themselves bilingual in 1986 (a gain of 23.1 percentage points since 1971), compared to just over 40% of Francophones (up only 6.2 percentage points over the same period). In the rest of Quebec, where Francophones are in the great majority, about three-quarters of Anglophones and just 17% of Francophones said in 1986 that they were bilingual.

Second-language retention

When it comes to mastering a second language, most people who try can muster the burst of energy required to sprint through an exam or a compulsory language requirement; but it requires a lot more stamina to maintain a working knowledge of their second language over the long run. The issue of what kind of training, and especially what program of maintenance, will prepare students to remain strong in their second language for a lifetime is one that deserves more than a cursory glance.

Research

This year the Ontario Institute for Studies in Education (OISE) conducted a study on second-language retention for us. The study includes an annotated bibliography of Canadian, European and American research as well as a summary of the issues. The literature shows that the subject is more complex than might first appear and offers more questions than solutions. Part of the problem of language loss research lies in the fact that language acquisition is still not well understood. Nonetheless, the general rule with regard to second-language retention is that the higher the proficiency attained in the training period, the better the language retention. The literature suggests that students who attain a high level of proficiency manage to maintain these skills for long periods of time with very little practice, while those whose language skills are less advanced tend to lose them over time without constant re-exposure to the second language. Furthermore, different skills deteriorate at different rates; passive skills (reading and listening) tend to be more robust than active skills (writing and speaking).

There is not, as yet, any research on the best way to maintain or recover language skills. Some researchers have suggested that a return to materials that are already familiar might provide for more rapid and more thorough re-acquisition. Widening the discourse of the classroom and taking advantage of a supportive second-language environment where skills are constantly reinforced may also facilitate retention. More formal recognition should also be given to simple and effective tools such as books and magazines, films, radio and television.

Other recent research on this subject has focused on French as a second language since, in the context of the North American continent, most Anglophones and Francophones have ample opportunities to keep up their English.

Studies by the Second Language Institute at the University of Ottawa and the Modern Language Centre at OISE have used common instruments to measure the French listening, reading, speaking and writing skills of a group of secondary school immersion graduates in Alberta and Ontario. OISE proposes to build upon these data through a longitudinal study of students' experience after the first year of post-secondary education, and on the transition from school to work. This information will be used to assess a wide range of results from French immersion programs, including skill retention.

Bilingual job market

The need to use a second language on the job usually assures the retention if not the development of language skills. In 1985 we attempted to gauge the private sector bilingual job market. Our summary examination revealed that 30% of jobs at the Canada Employment Centre in Ottawa mentioned bilingualism as preferred, required or an asset. In a two-week period, over 2,000 job advertisements in six major newspapers in Toronto, Ottawa and Montreal mentioned language requirements. A preliminary study of businesses like retail stores, banks and hotels in Ottawa-Hull found that, while few employers insisted on bilingualism as a job requirement, most considered it "a significant asset".

This year, as part of a larger project to develop communicative performance tests in French, OISE carried out an exploratory survey of published job vacancies for bilingual positions. Positions advertised in two weekend editions in each of four newspapers in Toronto and Ottawa were examined. A total of 594 positions out of more than 11,000 (5.4%) were considered to meet the criteria of explicitly requesting second-language skills. More than two-thirds of the 594 positions required such skills; the other positions cited them as an "asset" or as "preferred". French was the language sought in the vast majority of these advertisements (91.6%).

The positions were almost equally divided between the public and private sectors, but professional and managerial positions were predominantly in the public sector, and semi- and unskilled jobs primarily in the private sector. One of the aims of the study was to assess the relative congruence of private and public sector jobs with current aspirations of French immersion students — the focus on published advertisements largely capturing (from the researchers' point of view) conditions for many of the new labour market entrants. The disjuncture between public and private sector job offerings raises questions about the linkage between language training and work. While professional and managerial positions (aspirations, in general, of immersion students) account for one-third of the bilingual

positions examined, elementary and secondary school teachers make up almost half of these. The researchers conclude that immersion graduates may well have to decide between using their language skills and having a higher status position, since the combination may be either unavailable or unattainable.

This project is continuing through joint funding by OISE and our Office. The intent is to analyse actual uses of French in bilingual private sector jobs and to help develop appropriate instruments for evaluating candidates for bilingual jobs.

It is clear that departments of education, teachers, parents and students are more than ever convinced of the value of second-language learning for Canadians. As enrolments climb, it is imperative to continue to plan for, improve and protect good quality English and French classes, accessible to a majority of school-children. It is particularly important to plan to meet the increasing demand for well-qualified French language teachers. Whether or not our bilingual graduates end up working in jobs that require a second language, we are convinced that their language skills will not be wasted.

We recommend that the Department of the Secretary of State:

- **in co-operation with the Council of Ministers of Education, Canada, collect and distribute information on second-language instruction options and minority language education and ensure co-ordinated research on second-language retention;**

- **in co-operation with federal and provincial human resources ministries, conduct studies on bilingual job opportunities as part of a growing recognition of Canada's language duality;**

- **increase its support for exchange programs and other activities designed to improve second-language skills;**

We also recommend that:

- **funding continue to be made available to ensure that PÉLAGIE (Pédagogie en langue française: guides et informations pour les éducateurs) can continue making documentation available in Canada on French as a second language and French as a language of instruction;**

- **planning at the national level be undertaken to overcome current and projected shortages of teachers of French as a second language.**

2. Regional Roundup: The New Wave

Every province faces a different set of circumstances when it comes to offering second-language instruction. The following roundup gives an overview of this year's most significant events and changes by province.

Newfoundland

The recommendations of last year's Policy Advisory Committee on French Programs produced a number of interesting developments. For instance, the Department of Education is developing curriculum guides for immersion, beginning with kindergarten and primary grades. Efforts are also under way to offer the same courses in both immersion and regular streams; consequently a new grade 3 social studies course is being created simultaneously in both languages and a recent call for publishers to develop a grade 6 social studies program required that it be produced in French as well as English. The Department has established a committee to develop policy recommendations on extended core French, an area that was only generally discussed in the report of the Advisory Committee.

The popularity of French programs is still growing dramatically. Immersion has jumped by almost 25% in the past year. Because of teacher shortages, the Department of Education and various school districts offer bursaries, fellowships and training programs to help teachers develop their French skills.

Meanwhile, a change in student evaluation is on the way. Teachers are being trained in oral examination techniques; by June 1990 part of the public examination in high school French courses will be an oral test.

Prince Edward Island

In 1987 Prince Edward Island took some important steps to ensure the quality of its French programs, setting out an action plan and creating a French Education Services Division. An elementary education curriculum study is now being conducted across the province to establish objectives for various subjects, including those of immersion programs.

Of all provinces, Prince Edward Island has the second highest proportion of immersion students (13%). An early immersion program has recently begun in Unit 1 and a feasibility study for late immersion is under way. The Department of Education is developing new immersion programs for grades 1 and 4 to be in the classrooms by September 1989. Pilot programs in science, history, law and social studies are also under way in high schools offering immersion.

The new core French program is only two years away from being implemented from grades 4 to 12. A new teacher's guide for grades 7, 8 and 9 will soon be released.

Nova Scotia

In August Nova Scotia's Department of Education created a new position for an immersion co-ordinator. The job of overseeing all second-language programs had become, in the words of the new co-ordinator, "too enormous" for one person to handle alone. Provincial guidelines for early and late immersion and extended core will be put in place for the first time in late 1989. A new teaching guide for elementary core French is about to be released and a junior high school guide will come out in the spring.

Extended core is also expanding and is now offered in three school boards. Grade 7 students in these boards are studying subjects such as history and geography in French, besides their normal French classes.

In answer to the need for more teachers, the Department of Education and the Université Sainte-Anne have created a new degree program to upgrade the skills of second-language teachers.

Canadian Parents for French, along with the Fédération acadienne de la Nouvelle-Écosse and the Fédération des parents acadiens de la Nouvelle-Écosse, is working on a booklet describing the differences between French second-language programs and French schools for minority children.

New Brunswick

Appropriately enough, New Brunswick is, of the four eastern provinces, the most involved in second-language teaching. There are two distinct New Brunswick school systems, Anglophone and Francophone, each with a compulsory elementary and secondary language program. In 1987-88, 92,000 students were enrolled in the Anglophone section, 15,000 of whom were in French immersion, and 46,000 in the Francophone section.

In 1988 the Minister of Education formed the Minister's Review Committee on French Second Language to study both core and immersion teaching and to recommend future directions on staffing, evaluation, funding, policies and

programs. The Committee's recommendations are expected in early 1989, at which time they will be presented to the Minister of Education.

Discussion as to the practical range and limits of immersion education continues, the popularity of the program making demands on budgets and teacher supply. On a trial basis, two New Brunswick school districts have decided to drop early immersion in September 1989 in favour of "mid-immersion", which begins in grade 4. Meanwhile, an *ad hoc* committee reported on a two-year study of French language instruction in District 19. The school board has approved its recommendations, among them, "that the Department of Education reduce the number of French-language programs currently in existence to one program for all students", and "that the Department of Education enrich the core program so that it will more nearly achieve the standards of extended core and French immersion programs."

In the Francophone section of the Department of Education, a provincial task force on English as a second language has submitted recommendations to the Minister. As mentioned last year, the section is also carrying out an audio-visual teaching project for elementary and secondary English as a second language students, designed and developed in co-operation with Laval University for unilingual Francophones. The project is self-teaching and individualized, employing audio tape, video and computers, and offering students great autonomy in the choice of materials and activities. A complete learning approach is stressed; there is a relatively long period of listening and reading activities before students begin to speak. One of the greatest potential benefits of this method is its relatively low cost, which could solve the difficulties of small or remote schools that wish to offer high-quality second-language programs. Now in its fourth year, the elementary program has been extensively evaluated by Montreal's Concordia University. The results are expected to be made public in 1989.

As Moncton celebrates the 25th anniversary of its French-language university, a citizens' committee has been formed to study ways of setting up an English-language post-secondary institution in the city. At the University of New Brunswick, the French Second Language Teacher Education Centre (FSLTEC) is in its second year of operation. The only centre of its kind in eastern Canada, FSLTEC is involved in evaluation, program development and professional development. In 1988 the Centre held a variety of professional development events ranging from a four-week summer course for 50 teachers to a series of one-day sessions on specific issues.

Quebec

Study of the second official language is compulsory in both the English and French school systems of Quebec. Total student enrolment for 1987-88 was just over a million, of whom almost 90% attended French schools. Concerns about

the quality of both written and spoken French prompted the Ministry of Education to take action. After consulting many representatives of parents, students, school administrators and teachers, the Ministry published a plan of action to ensure that students acquire a better mastery of their mother tongue at school.

English as a second language

Concerns about Francophones' first-language skills mean that study of English does not begin until grade 4 in the French school system. This policy has both its adherents and detractors, one side arguing that this period is necessary to protect the students' mastery of their mother tongue, the other expressing concerns that the students' chances of becoming bilingual are being delayed. In response to parental demand, a number of school boards have begun introducing English as early as kindergarten and grade 1 in their French sections, contrary to the provincial curriculum policy. Meanwhile a decision has yet to be rendered on a case heard before the Supreme Court of Canada on whether the government of Quebec can impose such restrictions on school boards. Some parents and educators are also concerned about student achievements. In June school boards were informed of a 1987 examination given to 288 students in grade 6, which showed that only 14% of the students achieved the objectives prescribed for the English as a second language program (ESL), namely the ability to use English to communicate in situations consistent with the needs and interests of their age group. The passing mark was set high, at 80%; however, 55% failed to score above 60%, the normal passing mark. Two main reasons for this situation were suggested by the report. First, three-quarters of school boards do not allocate the minimum time (120 minutes a week) recommended by the policy. Second, 10% of English teachers in French elementary schools do not speak English well. This situation seems to be most serious in the province's largest school board, the Commission des Écoles Catholiques de Montréal (CECM). To combat this problem the CECM has been hiring specialists; it now has 70 where there had been none as recently as 1982.

Twenty-one school boards in Quebec have implemented intensive ESL instruction or enriched programs, some as far back as the late 1970s. The experimental intensive ESL programs are unlike French immersion, since in Quebec only French can be used as a medium of instruction in French schools. Instead students in grades 5 or 6 undergo a five-month period of English-language learning that takes up most of the school day. In April the Société pour la promotion de l'enseignement de l'anglais langue seconde au Québec completed an extensive survey of the efforts undertaken by such school boards to expand and improve the quality of ESL instruction at the elementary level. In a separate study called "Intensive ESL Programs in Quebec Primary Schools" researchers stated that students in the intensive programs not only "significantly outperform the regular program learners at the same grade level", but also "tend to perform better than those who are at a higher grade level who have received a comparable number of hours of instruction." The study suggests that more research should be undertaken to find out whether students who have finished a five-month

intensive program retain their English sufficiently to take up their studies later, and what effect the five-month hiatus has on students' eventual mastery of other subjects, such as mathematics.

French as a second language

The English school system in Quebec boasts the highest proportion of students enrolled in French immersion programs in Canada (about 18%). Interest is high for even more programs, but present demand for French immersion cannot always be accommodated by school boards. Part of the problem is that school boards have to use their own resources to pay for any increase in the regular core French program, namely enriched and immersion programs. While larger school boards have fewer difficulties, the policy poses a particular problem for those already experiencing financial problems because of declining enrolments.

As to the core French program, some parents and educators are concerned that no allowance is made for the special requirements of language instruction, in particular for a lower student-teacher ratio: the provincial policy stipulates the same class size as for other subjects such as geography and mathematics. Boards that reduce the student-teacher ratio must do so at their own expense.

In answer to the needs of second-language teachers, the Ministry of Education opened a teachers' resource centre in Montreal. French second-language teachers receive specialized training on professional development days, and the Centre also publishes and circulates information to teachers outside Montreal.

ESL and FSL: future plans

This year the Ministry of Education plans to take steps to improve second-language teaching (ESL and FSL) in Quebec schools. Following a process similar to that used to determine problems in French mother tongue instruction, the Ministry will undertake a consultation and analysis phase in 1989-90, to be followed by a plan of action to correct specific problems. Contentious issues such as when to begin the teaching of ESL will be examined during the review phase.

Ontario

Ontario is in the second year of implementation of Policy Program Memorandum 58 (discussed in last year's Report), whereby students entering grade 4 as of September 1987 must receive French instruction in every year from grades 4 to 8 and must have accumulated a minimum of 600 hours by the end of their primary schooling. Besides this compulsory program, enrolment in immersion and extended core French continues to increase.

The acute shortage of FSL teachers felt in some other parts of the country has reached Ontario. Increases in the number of students in immersion and those taking core French in the elementary grades have intensified the need for teachers, and many boards worry that they may be unable to staff their programs. Some conducted interviews this year during the Christmas break to line up teachers for

next September. Some observers feel that, while long term planning is crucial, emergency measures may have to be put in place to meet the need in the short term. Concerns are being expressed that teachers with inadequate language skills will be pressed into service, lowering the quality of French education. More candidates for teacher training and more places at faculties of education are needed. Both the Canadian Association of Immersion Teachers and the Ontario Modern Language Teaching Association (OMLTA) have launched promotional programs in an effort to attract potential teachers.

A survey of school boards and faculties of education in Ontario, undertaken in 1988 for OMLTA at the urging of the Ministry of Education, attempted to assess the likely shortfall between teacher vacancies and potential candidates. Based on responses from 106 out of 132 boards, 1,117 core and immersion teachers were needed for September 1988. An even greater demand is expected in September 1989, but faculties of education expect to train only 957 FSL teachers this academic year.

In response to criticism that they have not reacted adequately to demand, faculties of education are becoming more sensitive to labour market requirements. Continuing co-operation between the Ministry of Education and the Ministry of Colleges and Universities is necessary.

French immersion

The Ministry of Education will soon release a report on an immersion needs assessment study. The purposes of this internal policy review, based on data collected in the 1986-87 school year, are two-fold: to produce a curriculum policy for immersion and to determine future directions in teacher training. In addition, the Ministry plans to establish an Immersion French Advisory Committee to review French language arts programs (k-13) and recommend improvements to the curriculum.

About 6% of Ontario students are currently enrolled in French immersion. In two bilingual regions of Ontario, the numbers are quite extraordinary. In the Carleton School Board in the Ottawa area, about 55% of students entering kindergarten in September 1988 enrolled in immersion programs, and in Sudbury almost one-third of public school board students take French immersion at the elementary level. In Toronto Board of Education schools, where any child may be placed in immersion and provided with transportation if necessary, enrolment in early immersion is stabilizing. Part of the reason could be that the Board provides five different options for FSL instruction, including various entry points to immersion programs.

Some concerns about immersion are being expressed on another front. The Conseil de l'éducation franco-ontarienne commissioned a study of the impact of French immersion programs on French schools. While the report found that the popularity of these programs was not drawing Francophone students away from

French schools, it revealed that a majority of Anglophones favour the admission of bilingual Anglophone students to French-language schools. The report warned that, since funding for both programs is based on enrolment only, administrators of the minority schools may be "tempted to practise admission policies that are less rigorous in regard to students' mother tongue", perhaps eventually causing the French schools to become overwhelmed by English students. At the time of the study the numbers of students in French schools and French immersion programs were about equal (90,000). Although research has shown that when English and French students gather in groups English becomes the language of communication, the study found that not all Francophones share the anxieties expressed by the researchers.

Manitoba

Immersion centres versus dual track schools

With almost 9% of students enrolled in immersion programs in Manitoba, the issue of access has given way to others associated with the "maturing" of immersion. For example, a major debate centres around the relative merits of immersion centres, where the environment is totally French, versus dual track schools, which provide regular English programs as well as French immersion. Although Canadian Parents for French feels that, for pedagogical reasons, an immersion centre concept is superior, many parents favour dual track schools at the elementary level so that their children may attend local community schools. Although parents are not usually so strongly opposed to busing for older students, this has become an issue even at the high school level; some parents would like to have an English program offered at the French immersion high school being built by the St. Vital school division.

A curriculum policy for French-language immersion education released in January 1987 for discussion is still awaiting ministerial approval. The policy points out that it is difficult to create a French atmosphere if, in a dual track school, the administration is unilingual English.

High school offerings in French

An informal CPF survey conducted in 1987 showed that the range of French offerings for secondary school students is very narrow, a factor that may contribute to the high drop-out rate in French at the secondary level. Some parents are of the view that school boards do little long-range planning of high school programs designed to accommodate the large number of students currently enrolled in immersion at the elementary level.

One promising initiative by the Ministry of Education is the development of three French-language distance education courses; Sciences naturelles, Calcul and Sciences humaines. Originally developed and successfully implemented in English, Calcul 305 will be tested on an experimental basis in February 1989 for both Francophone and French immersion students, as will the other two courses in the 1989-90 school year. The Ministry has also published a 44-page booklet

entitled "French immersion: qu'est-ce que c'est?" to help parents understand what their children are studying.

Saskatchewan

Core French is not compulsory in Saskatchewan. Where it is offered at the elementary level, a minimum of 20 minutes per day is recommended and 30 minutes preferred. At the secondary level 100 hours a year is recommended. A revision of the core French curriculum from kindergarten to grade 12 was completed this year, and the Department of Education is involved in a massive project to produce immersion materials suited to Saskatchewan students. There has been some public opposition to the extension of immersion education, chiefly from those who feel that the program stretches the already limited supply of funds and students in remote areas. However, immersion enrolments have increased by 10% since last year, and core enrolments are burgeoning.

The 1988 Canada-Saskatchewan framework agreement "will establish a Language Training Institute governed by a Council" to serve Anglophone and Francophone communities, with an emphasis on the needs of the minority community. Its purpose is "to provide increased opportunities for adult post-secondary and professional French-language training and development." The federal contribution will be $17 million over the next five years, covering construction of facilities, equipment, program development and student bursaries and fellowships. Also, "Canada and Saskatchewan recognize the need to enhance opportunities in the areas of second-language instruction in Saskatchewan schools."

The Saskatchewan chapter of Canadian Parents for French, along with the Commission des écoles fransaskoises and the Association culturelle franco-canadienne de la Saskatchewan, co-published a booklet describing the differences between French immersion and minority language education. Entitled "French Language Education in Saskatchewan/Éducation en langue française en Saskatchewan", it succinctly enunciates the different needs, different goals and "complementary visions" of the two programs.

Alberta

A controversial first draft of Alberta's new School Act (Bill 59) was recalled, but its successor (Bill 27) was adopted in late December. During discussions of the earlier Bill, Canadian Parents for French expressed the wish that it include a guarantee of access to immersion. Although their recommendations were not accepted, the new Act does differentiate between alternative education programs including immersion, and minority language education. The new Language Education Policy for Alberta, released in November 1988, addresses some of the concerns of parents. To be implemented in the 1989-90 school year, the document sets out policy statements, principles, responsibilities and guidelines for English and French language education, as well as heritage and Native

languages. It states that Alberta Education will provide opportunities for the learning of French and "a range of languages", as well as "for all students whose first language is not English and who require assistance to learn English." The policy also makes commitments to French first-language education. The policy statement on French as a second language reads: "Alberta Education encourages opportunities for all Alberta students to learn French by making available programs and services for French immersion and French second-language courses." The underlying principles specifically mention immersion courses as a means of providing opportunities to learn French.

Since immersion is still considered an optional program, school boards have the right to charge fees for busing and lunch supervision to students enrolled in programs outside their neighborhood. Some Alberta parents have refused to pay these fees. In 1988 one Edmonton father filed a lawsuit in the matter and some school boards have found themselves in the unenviable position of hiring collection agencies to gather the extra fees.

The second-language curriculum in Alberta is under review. By September 1989 a pilot project in FSL distance education will be available to high school students in northern areas where there is no access to French teachers. Twice-weekly live television segments will be augmented by teleconferencing, workbooks and, perhaps, computer software. Although the video feed is to be one-way, audio will be two-way, so that students can "talk back" to their televised teacher.

Some French teachers from outside the province experience difficulties adapting to the communities in which they are teaching. In 1988 the Alberta School Board Association for Bilingual Education sponsored a week-long orientation for new teachers, which included everything from practical help to curriculum support.

British Columbia

In 1988 the British Columbia Royal Commission on Education published its report entitled "A Legacy for Learners". The report said that "learning a second language has long been considered an important component of a well-rounded education; in Canada, where there are two official languages, it makes good sense to learn French. It also makes good sense to begin such study early in a child's schooling, as research indicates that very young students are more likely to acquire language naturally." The Commission recommended "that the Ministry of Education develop a Common Curriculum for all students in Grades 1 to 10" and that this curriculum should include French as a second language. This timely recommendation coincides with the Ministry of Education's plans to introduce a new standard French curriculum, to be used by all boards offering French as a second language as of September 1990.

Meanwhile, British Columbians are also studying the results of different approaches to French teaching. The "British Columbia French Immersion

Assessment", published in January by two professors from Simon Fraser University, reported that "the immersion students are comparable to a group of native French-speaking students...on the more communicative measures...but not in their fluency, pronunciation or oral grammar" and that "immersion students consistently achieved as well as or better than regular English program students in English reading, mathematics and science." The study of grades 4 and 7 suggested in particular "that there is ample room for growth in all areas of French reading" and one of its recommendations was that "a major priority of immersion teachers should be to promote independent reading in French both in and out of school."

Like their Saskatchewan counterparts, the British Columbia chapter of Canadian Parents for French co-produced a brochure with the Association des Parents du programme cadre de français, entitled "French Language Programs for British Columbians/Éducation en français, Deux clientèles, Deux programmes". It stresses that students enrolled in minority language programs have "different linguistic, cultural, educational and personal identity needs" than students in second language programs, and offers a thorough description of eligibility requirements, goals and other aspects of French-language programs across the province.

Immersion continues to boom in the province, and there has also been growth in core French this year. At the same time, demand for languages other than English or French, particularly those of the Pacific Rim, is also strong. Japanese and Mandarin are among the languages taught to young British Columbians of all ethnic origins. English as a second language, for children as well as adults, is increasingly important. In Vancouver about half of elementary schoolchildren have a first language other than English.

Yukon

In 1988 Simon Fraser University carried out an evaluation of French immersion in the Yukon that will likely give direction to the program for the next several years. The study said that "Yukon immersion students in all grades are making good progress in all areas tested. In addition, students in the upper grades... display positive attitudes toward bilingualism...".

As in the British Columbia report, reading skills were identified as a vital area for study and improvement. Yukon students in grades 5 and 7 "performed particularly well in French reading" compared to Canadian norms, and the researchers recommended that "an attempt be made to formally identify...factors which may have contributed to the good reading performance" of these students.

Unlike many other areas, the Yukon has a relatively good supply of Francophone teachers. Their need is not for a better knowledge of the language, but for more training in teaching methods. Two professional development courses have been

available in French through distance education from the Faculté St-Jean of the University of Alberta since January 1989, one dealing specifically with elementary French as a second language.

Northwest Territories

"Bilingual programs" in the Northwest Territories often mean English plus a Native language. In Yellowknife, the centre of French as a second language, parents have been lobbying for access to CBC French-language radio and television broadcasts, which are still not available. Current French-language activities include a "Camp de neige" organized by Canadian Parents for French and Yellowknife's annual French Festival. Some students may be among the RENDEZ-VOUS CANADA participants in Alberta this year. A new standard core French curriculum for grades 1 to 6 is expected to be in place by September 1989.

PART VI

Blueprint for Action: Key to the Future

Blueprint for Action: Key to the Future

The past year offered a good opportunity for the principal federal players to reflect on what the 1988 Official Languages Act entails and what important work remains to be done to make the Act a powerful tool for reform. Implementation of the Act is of course primarily the responsibility of the government of Canada and of each federal institution. However, our 19 years of analyses of official language issues, the thousands of complaints we have handled and the hundreds of audits and evaluations we have conducted, have made us so bold as to propose an outline of what we believe to be the principal dimensions of a revitalized official languages program. The implementation of such a plan should help make the fundamental principle of equality of status of the two languages in the federal realm a day-to-day reality by ensuring respect for English and French as the official languages of Canada in all federal institutions, by ensuring support for the development of our minority communities and generally by advancing the equality of status and use of English and French within Canadian society.

The Canadian Charter of Rights and Freedoms and the linguistic principles underlying the Meech Lake accord provide a new framework for the 1988 Official Languages Act. The Charter deals with the rights of individuals, establishing that everyone has the right to use English or French in Parliament, in any court established by Parliament and, with certain restrictions, to obtain service from institutions of the Parliament or government of Canada. Section 2(1)(a) of the Meech Lake accord, which is not yet ratified by all provinces but which at very least represents a firm commitment by the federal government and a vast majority of the provinces, emphasizes the rights of minority communities by recognizing the existence of English-speaking and French-speaking Canadians as a fundamental characteristic of Canada and by stating that it is the role of Parliament and the provincial legislatures to preserve that characteristic. Regulations under the Act must therefore be open and generous enough to encompass both the rights of individuals and the rights of language minorities, while the promotional activities undertaken should protect and enhance to the fullest extent possible the vitality of minority communities. Our thesis is that, however improved the 1988 Official Languages Act may be in relation to earlier legislation, it is not likely to

bring about substantial change unless the promotional nature of its Preamble is fully reflected in the leadership, spirit, management, structures and rules that will give to it its full meaning.

The central players

Before outlining our blueprint for action, we should describe briefly the various players who traditionally, or under specific provisions of the Act, are involved to varying degrees in overseeing the progress of language reform in federal institutions and in Canadian society as a whole. They are the Privy Council Office, the Treasury Board Secretariat, the Department of the Secretary of State, the Public Service Commission, the Commissioner of Official Languages and, in its capacity as a general overseer, the Standing Joint Committee on Official Languages.

The **Privy Council Office**, which is no longer specifically mentioned in the Act, remains a key actor, as it is in any high priority area which calls for broad policy formulation and co-ordination. It has a very important leadership role to play in ensuring that official languages matters receive the attention they deserve from individual institutions and their heads. As the Prime Minister's department, we believe it may wish to assess periodically the state of language reform in the country on the basis of the information and analyses contained in particular in the annual reports to Parliament of the Treasury Board, the Department of the Secretary of State and the Commissioner of Official Languages and in the reports of the Standing Joint Committee. Since management requirements and the positions adopted by the Privy Council Office will strongly influence ongoing policy development and implementation, its key role might perhaps best be discharged with the help of an active committee of deputy ministers.

Under the terms of the Act the **Treasury Board Secretariat** has responsibility for the general direction and co-ordination of federal policies and programs relating to implementation of the Act's provisions on language of service, language of work and the participation of English-speaking and French-speaking Canadians with federal institutions. It has four major responsibilities: the overall supervision and monitoring of management of the official languages program in federal institutions; the development of regulations, policy review, and research aimed at improving the program; the negotiation and approval of letters of understanding with federal institutions; and the conduct of audits and evaluations, and the preparation and distribution of guidelines and information to public employees to ensure that policies are being applied effectively. The development of clear regulations fully reflecting the letter and spirit of the Act and the Charter is Treasury Board's first task.

The **Department of the Secretary of State** has been given a specific mandate under the Act to encourage and promote a co-ordinated approach to the implementation by federal institutions of the commitment to enhance the vitality and assist the development of the English and French linguistic minority

communities in Canada, and to foster the full recognition and use of both English and French in Canadian society. The Department provides funding through the Official Languages in Education Program to assist the provinces in the provision of minority language education programs and the teaching of English and French as second languages. Through the Promotion of Official Languages Program, the Department provides funds for the activities of organizations and institutions representing the interests of minority groups. The purpose of this direct financial assistance is to enable minority communities to affirm and develop their own identities and to gain access to a variety of social, cultural and media services. The Department provides funding to the provinces to enable them to create, expand or improve services to the minority official language communities. It also assists voluntary associations in the development of services in English and French and offers technical assistance to the private sector for this purpose. Lastly, the Department is responsible for the operation of the Translation Bureau, which supplies translation, terminology and interpretation services to Parliament and to federal departments and agencies.

The **Public Service Commission** is responsible for ensuring compliance with the Public Service Employment Act and Regulations (selection of personnel according to merit), for language testing and training, for professional development courses, and for training and employment equity programs in recruitment. It reports to Parliament, through an annual report and other means, on official languages activities within its jurisdiction.

As an officer of Parliament, the **Commissioner of Official Languages** is responsible for taking all actions and measures within the authority granted him to ensure recognition of the status of each of the official languages and compliance with the spirit and intent of the Act in the administration of the affairs of federal institutions, including any of their activities relating to the advancement of English and French in Canadian society. He has a triple role as a linguistic ombudsman, auditor and promoter of minority rights.

The **Standing Joint Committee on Official Languages** now has a formal mandate to oversee implementation of the Act on behalf of Parliament. Its examination of language issues and, in particular, its review of the reports and recommendations of the Commissioner of Official Languages will continue to give an impetus and visibility to language reform in federal institutions, among linguistic minorities and throughout Canadian society.

Federal institutions have a role to play in ensuring language equality in their activities, in assisting the development of minority communities and in promoting the advancement of English and French in Canadian society.

Lastly, the government has also proposed the establishment of a Canadian Council on the Official Languages to provide advice on promoting English and French in Canadian society.

Recommendations

I. Foundations of a master plan

We propose that Government establish a master plan for implementation of the Official Languages Act, 1988, based on the following recommendations:

- that regulations reflecting the letter and spirit of the Act be promptly developed and adopted;
- that guidelines on implementation of the Act be prepared for heads of federal institutions;
- that Government develop an ongoing communications program, at the political and administrative levels, designed for Canadians in general and for federal managers and employees in particular, dealing with the philosophy, objectives and implementation mechanisms of the Act, as well as with the programs that flow from it, so that everyone is aware of his or her rights and obligations, and of government policy;
- that, given the importance of sound economic management as well as the high priority attached to official languages and the pressing needs of some sectors, Government assign adequate resources to its language programs;
- that the federal government conduct appropriate studies in all relevant areas to ensure that its policies and practices contribute as fully as possible to achieving the objectives of the Act;
- that the federal government conduct ongoing studies of the impact of privatization initiatives on the provision of service in both official languages and take appropriate measures to ensure that progress is maintained and linguistic obligations fully respected;
- that the federal government, in co-operation with the Government of Quebec and other interested parties, conduct ongoing impact studies on the effects of evolving free trade arrangements on the French language and culture in Canada, and take such compensatory measures as may be required;
- that measures be adopted to support the efforts of federal cultural agencies to protect and promote the identity and the linguistic and cultural integrity of Canada;
- that measures be adopted to ensure the greatest possible harmonization of national commitments undertaken with respect to the official languages and the federal government's policy on multiculturalism;
- that the federal government propose to the provinces the adoption, at one of the next constitutional conferences, of a formula designed to support the

development of the English and French linguistic minorities and to reduce the current imbalances in the status of English and French across Canada by extending services to their minority in the appropriate language.

II. Regulations

We recommend the establishment of regulations governing communications with and services to the public that take into account the following principles:

- the concept of **office** should be clearly defined because it is essential to any definition of significant demand or nature of the office;
- in prescribing the circumstances governing **significant demand**, regulations should emphasize the particular characteristics of the English-speaking and French-speaking minorities concerned as much as the nature and volume of communications (Section 32(2));
- in prescribing the circumstances governing the **nature of the office** (Sections 24 and 26), regulations should guarantee that the public will be spared all prejudice to its health and safety; they should also clearly state what constitutes the national or international mandate of certain federal offices (Section 24);
- in prescribing the nature of regulated services provided to the travelling public **pursuant to a contract** (Section 23(2)), regulations should guarantee that members of the travelling public have access in their language to all services to which they are entitled, and not simply to essential services.

We also recommend that the Governor in Council issue regulations designed to create and maintain a work environment conducive to the effective use of both official languages in designated regions and locations and, more particularly, to ensure that senior managers and supervisors in such regions and locations are capable of performing their duties in both languages so that employees may freely use either English or French.

III. Program management in the federal administration

We recommend that the Treasury Board Secretariat:

Responsibility and control

- take additional measures to clarify and increase managerial accountability for official languages matters in federal institutions;
- speed up the negotiation of letters of understanding and ensure that future letters contain, for all aspects of the program, precise and measurable objectives accompanied by firmer deadlines, performance indicators and monitoring measures;

- revise all its official languages policy directives without delay to bring them in line with the requirements of the Official Languages Act, 1988;

- review the method of allocating translation resources to departments.

We also recommend that the Treasury Board Secretariat:

Service to the public

- promptly take into account the specific needs of small official language minorities in the organization and development of federal services;

- ensure that federal institutions that regulate the activities of third parties relating to health, safety and security of the public take proper account of their obligations under the Act;

- develop, publicize and implement a policy on the use of minority official language media for federal advertising and the promotion of federal services;

- ensure that every office offering services to members of an official language minority has at all times at least one fully bilingual employee (C level) capable of handling complex issues;

- eliminate the elementary level of second-language proficiency (A) for most positions involving service to the public;

- adopt strict control measures to ensure the ongoing active offer of service in both official languages;

- ensure that effective administrative arrangements are made to compensate for any temporary lack of bilingual staff;

- develop an appropriate policy and act as soon as possible on its commitment to take all necessary measures to guarantee that bilingual services are provided at national and international events in Canada;

- review the bilingualism bonus system with a view to reducing its cost and increasing its value as an incentive.

We recommend that the Department of the Secretary of State:

- establish an action plan to ensure the implementation by federal institutions of the Government's commitment to the official languages and the minorities (Sections 41 and 42);

- take steps to increase the pool of translators and intensify its efforts to identify and train interpreters, both within and outside the Public Service, to overcome the shortage of specialists in this field;

We recommend that the Treasury Board Secretariat or the Public Service Commission, as appropriate:

Language of work

- establish incentives based on the Act and on the recognition of a reciprocal civic obligation to produce a more balanced use of the minority language in the work place;
- adopt and promote a policy designed to create a work environment conducive to the use of French or, where appropriate, to the use of English;
- take all necessary steps to promote the use of French as a language of science in federal institutions;
- review policies and practices governing acting appointments and secondments to supervisory positions in bilingual regions to ensure that the right of employees in such regions to work in the official language of their choice is not unduly affected by a prolonged lack of bilingual capacity among such supervisors;
- after appropriate study, undertake a systematic language training experiment on receptive bilingualism in certain work environments considered as priority areas;
- ensure that regularly and widely used automated systems in federal institutions can be used in either official language.

We also recommend that the Public Service Commission and the Crown corporations, in addition to offering separate English and French courses (which should remain the norm), provide bilingual training and development courses for members of the Management category.

We recommend that:

Participation

- the Treasury Board Secretariat ensure that the letters of understanding to be signed with departments and agencies reflect the participation criteria set out in the Official Languages Act, 1988;
- the Public Service Commission conduct a detailed study of recruitment to Administrative Support positions in the federal Public Service, with particular attention to the National Capital Region and Quebec, with a view to improving the access of English-speaking Canadians to this employment category;
- the Public Service Commission and the Treasury Board Secretariat take all necessary steps to arrive at a balanced participation of Anglophones in federal institutions in Quebec and of Francophones in federal institutions in

other parts of Canada, in particular northeastern Ontario and New Brunwick;

- the Treasury Board Secretariat and the Public Service Commission undertake detailed studies to determine the reasons why French-speaking Canadians remain under-represented in the key Management and Scientific and Professional categories, and take appropriate action to eliminate barriers that hinder their equal access and promotion to these categories;

- the Treasury Board Secretariat take the necessary steps to ensure the full participation of both language groups in the field of science and technology;

- the Public Service Commission study the evolution of bilingual skills among Canadians in terms of the language needs of the Public Service;

- Crown corporations examine the participation of the two language groups among their employees, and formulate plans to correct imbalances.

IV. Promotion of English and French in Canadian society

We recommend that the Department of the Secretary of State:

Official language minorities

- pursue negotiations, with all provinces and territories, of framework agreements for the promotion and development of minority communities, supervise their implementation and systematically evaluate results;

- evaluate the impact of past initiatives on the development of minority communities;

- as part of its promotional responsibilities, develop a much more detailed research and communications program to explain to Canadians the needs and expectations of minority communities and the role the majority can play in promoting language duality in Canada;

- develop, in co-operation with the appropriate authorities, a communications program on the complementary objectives of the Official Languages Act and the Multiculturalism Act, with particular emphasis on community development and the teaching of English and French as official languages;

- assist interested provinces in developing appropriate administrative models for the provision of federal, provincial, municipal and educational services;

- pursue, in close co-operation with the Council of Ministers of Education, Canada, efforts designed to encourage access to instruction in the language of the minority at all levels, and improve services in French at the post-secondary level;

- in the near future, assess the follow-up to be given to recommendations of the recent Colloquium on the Private Sector.

Radio and television

We recommend that the Canadian Radio-Television and Telecommunications Commission review, within its regulatory framework, the question of improved access of official language minority communities to broadcasts, in their language, of House of Commons debates;

We recommend that the Canadian Broadcasting Corporation set as a priority the need to improve its broadcasting services for official language minority communities and, in particular, to develop local programming for those communities, as stated in the report it submitted to the Canadian Radio-Television and Telecommunications Commission.

We recommend that the Department of the Secretary of State:

Second-language instruction

- in co-operation with the Council of Ministers of Education, Canada, collect and distribute information on second-language instruction options and minority language education and ensure co-ordinated research on second-language retention;

- in co-operation with federal and provincial human resources ministries, conduct studies on bilingual job opportunities as part of a growing recognition of Canada's language duality;

- increase its support for exchange programs and other activities designed to improve second-language skills.

We also recommend that:

- funding continue to be made available to ensure that PÉLAGIE (Pédagogie en langue française : guides et informations pour les éducateurs) can continue making documentation available in Canada on French as a second language and French as a language of instruction;

- planning at the national level be undertaken to overcome current and projected shortages of teachers of French as a second language.

We recommend that:

National Capital Region

- the Department of the Secretary of State and the National Capital Commission develop a mechanism to ensure greater co-operation among authorities and interested parties to strengthen the bilingual character of the National Capital Region;

- the Department of the Secretary of State consider developing framework agreements with the provinces of Ontario and Quebec to foster, in

accordance with the Official Languages Act, 1988, full recognition of linguistic duality and the recognition and use of English and French in the National Capital Region.

APPENDICES

Office of the Commissioner: Changing with the Times

This chapter provides a background to proclamation of the Official Languages Act, 1988, discusses some of the issues on which the Commissioner made statements, gives a brief account of reactions to last year's Annual Report and highlights the work of the Office in 1988.

The Official Languages Act, 1988, and the Office

In his first Annual Report (1970-1971), Keith Spicer recommended that the Act grant the Commissioner and his staff immunity against civil proceedings and release them from the obligation to testify in court on anything done in the exercise of their functions.

In his last Annual Report, in 1976, Mr. Spicer proposed several other amendments including the right of federal employees to choose their language of work (included in a 1973 Parliamentary Resolution); the obligation of federal institutions to be accountable for respecting provisions of the Act relating to service to the public; and primacy of the Official Languages Act over other federal legislation.

In his 1977 Report, Maxwell Yalden recalled that, in the Speech from the Throne, the government had stated its intention to amend the Act. The Commissioner therefore made a number of suggestions relating to court remedy, language of work, the Commissioner's mandate, the possibility of the Commissioner tabling his Annual Report before a parliamentary committee, his legal immunity and the right to interpretation services in federal legal proceedings. In addition, he summarized a number of elements that might be included in an updated Act.

In its first and fourth reports (1980 and 1981), the Special Joint Committee on Official Languages recommended the adoption of eight amendments to the Act. In 1981-82, the Committee took note of 13 recommendations again prepared by Mr. Yalden. Subsequently, it submitted a report to Parliament containing 19 specific recommendations.

In his first Annual Report (1984), D'Iberville Fortier asked the new government to undertake an in-depth review of the Official Languages Act based mainly on earlier proposals.

In a special report presented in December 1985 to the Speakers of the Senate and the House of Commons, and subsequently to the Standing Joint Committee on February 11, 1986, the Commissioner introduced the idea of a preamble designed to broaden the scope of the Act to Canadian society as a whole and to clarify the government's commitments to the official language minorities. He noted that the Act should contain a clearer definition of its goals and objectives in line with the language provisions of the Canadian Charter of Rights and Freedoms, and presented a plan for legislative review. (See Annual Report 1985.)

These proposals also served as a basis for the Commissioner's interventions in late 1986 and early 1987 with the Department of Justice, the central agencies and other interested departments as part of the preliminaries to tabling Bill C-72 (now the Official Languages Act, 1988) in the House of Commons on June 25, 1987.

In 1988 the Commissioner was closely involved with the parliamentary hearings on Bill C-72. He appeared twice as a witness and acted as a regular adviser to the Legislative Committee studying the Bill, where he discussed the merits of the proposed legislation, recommended some amendments and answered questions from committee members. He also provided senior federal and provincial officials in most provinces and territories with information on the new Act and its requirements.

For an overview of the parliamentary debate and its results, readers are referred to Part I, Chapter 2. The Commissioner is of the view that, while the new Act does not meet all his expectations, particularly with respect to mixed corporations, privatization and the authority of federal monitoring agencies, it represents significant progress over the earlier legislation and an excellent instrument for furthering language reform — provided, of course, that its promotional elements are translated into policies reflecting the same spirit.

The Act confirms the three main roles of the Commissioner of Official Languages: that of linguistic ombudsman responsible for protecting the language rights of all Canadians; that of linguistic auditor responsible for monitoring the degree to which federal institutions comply with the Act; and that of promoter of Canada's two official languages across the country.

The Commissioner may now, as a last resort and with the consent of the complainant, apply to the Federal Court for remedy. He also enjoys immunity from prosecution in the performance of his duties. The immunity provision gives the

Commissioner the same protection as that enjoyed by other federal and provincial ombudsmen. Furthermore, the Act sets out more specifically his investigatory powers and his authority to make special reports to Parliament on urgent or important language matters. Steps have been taken to adapt the work of the Commissioner's Office, where required, to the provisions of the 1988 Act.

The Commissioner's public statements

The Commissioner made his views known on many important issues of national or regional interest, either from Ottawa or during his regional visits, which once again took him to most provinces and to the Yukon. His positions on various issues may be found in Parts I and VI.

In April he commented on the Bill tabled in the Saskatchewan legislature in response to the Supreme Court of Canada's decision in the Mercure case and, subsequently, the agreements concluded between the federal government and Saskatchewan on the promotion of minority rights. The Commissioner also made his views known when the government of Alberta announced the tabling of a new language bill following the same decision.

He made other public statements on the agreement between the Yukon and the government of Canada, New Brunswick's announced intentions to improve public services in both English and French and the decision of the Supreme Court of Prince Edward Island on the provincial School Act. The Commissioner was granted leave to intervene and did so in this case and in a related case before the Appeals Court of Manitoba. As well, the Commissioner commented on the Supreme Court's decision of December 15 on unilingual French signage in Quebec, the proposed follow-up by the Quebec government and the arson at Alliance Québec headquarters.

In May, the Commissioner appeared before the Legislative Committee studying Bill C-93 (now the Multiculturalism Act). Speaking at an October colloquium in Hull organized jointly by the Secretary of State's Department and his Office and entitled "The Language of Business and the Business of Language", he invited "members of the private and voluntary sector to participate fully in efforts to create fairer linguistic arrangements in Canada."

With regard to the privatization of Air Canada, the Commissioner was unequivocal in his position that the Corporation should be required to continue serving the public in both official languages after completion of the privatization process, and to ensure that its staff might continue to work in English or French. The legislation privatizing Air Canada stipulates that the corporation must continue to meet the requirements of the Official Languages Act.

The Commissioner indicated his support for the report submitted to the CRTC by the French Service of the Canadian Broadcasting Corporation on the needs of Francophones outside Quebec for French-language programming.

The Commissioner's interviews, speeches and travels

During the year, the Commissioner gave 162 interviews, delivered 16 speeches and gave numerous informal talks. In addition, he issued 18 news releases and met with the press on seven occasions.

In his speeches and interviews across Canada, the Commissioner expresses his views on important language issues and maintains public visibility and contact with representative cross-sections of the population.

The speeches he gave in 1988 focused mainly on the implications and significance of the new Official Languages Act, minority education and second-language instruction, multiculturalism and the role that the private sector should play in ensuring equality for both of Canada's official languages.

In the latter part of October, the Commissioner travelled to Canberra, Australia, as a delegate to the Fourth International Ombudsman Conference. About a dozen Canadian federal and provincial ombudsmen were among the 170 delegates and observers from most parts of the world. The participants at this major international event discussed such subjects as: "complaint handling methods", "the role of the ombudsman in securing equity and justice" and "protecting the integrity of the ombudsman process".

Reactions to Annual Report 1987

A few words need to be said about the very lively reactions provoked in Quebec and across Canada by a passage in Annual Report 1987, which was tabled in Parliament and made public on March 22, 1988. The sentences in question, which constituted a statement of principle, were:

> "We trust that most Canadians can see the legitimacy of giving pride of place to the majority language of the province and of positively encouraging its recognition and use in as many social contexts as possible. But the salvation of French, in Quebec or elsewhere, must surely lie in positively asserting its own demographic weight, cultural vigour and innate attractiveness, and not in humbling the competition".

Taken as a whole, the Report as usual described complex situations on a province-by-province basis, reported the concerns and grievances of members of minority communities, and noted that "the difficulties facing English-speaking Quebecers are not as acute as those experienced by the Francophone minorities", but that "they do exist". In this regard, it mentioned the concerns of Anglo-Quebecers about significant Anglophone out-migration and its consequences on the maintenance of their institutions, particularly some of their schools; the signage issue; and certain amendments to the Cinema Act which were considered unduly restrictive. All were issues that produced great emotion in their

community. Lastly, the Report drew attention to certain positive measures taken by the Government of Quebec during the year with respect to the Anglophone minority in education, health and social services.

After debating the issue on March 23, at the end of the following day the Quebec National Assembly adopted a unanimous motion censuring the "Commissioner's statements", asking him "to explain himself" and stating that it (the National Assembly) had always exercised its authority over language matters falling within its jurisdiction in a fully democratic manner. Subsequently, another motion of the same type was adopted, it appears, by a large majority of the federal Progressive Conservative Quebec caucus. After a brief discussion in Parliament, the Speaker of the House of Commons ruled a motion for an emergency debate out of order.

In his press release issued at about noon on March 24, 1988, the Commissioner expressed his regret for a misunderstanding which, in his view, was largely responsible for the reactions, and which resulted from the Report Summary. The Summary, also published by the Office, did not "properly render the controversial phrase" in the Report. It was therefore immediately withdrawn from circulation. However, the text in the Summary, rather than that in the Report itself, continued to be the source of comment by the media and many others. The press release also placed the remarks in their context and concluded that "it is normal that he [the Commissioner] should give the same sympathetic attention to the English-speaking minority in Quebec as he does to the many French-speaking minorities across the country."

The media gave great coverage to the incident, sometimes with incorrect headlines, and generally omitted the Commissioner's positive assessments of some Quebec policies. Many authors of letters to the editor joined the fray and, in most cases according to their language, expressed support or criticism.

In press releases issued on March 22, 1988, the Fédération des Francophones hors Québec and Alliance Québec largely, but not entirely, endorsed the Commissioner's analyses of matters affecting them.

An answer by the Government of Canada to a question raised in the Senate stated that: "the Commissioner and the Government have a common objective — the development of linguistic minority communities throughout Canada. The Government recognizes the Commissioner's efforts in seeking to achieve this objective". This official position received no publicity . At year's end, language once again became a major issue and some commentators once again discussed the appropriateness of the Commissioner's earlier statements.

By way of conclusion, it seems to us that the reaction of the Quebec National Assembly has perhaps demonstrated, paradoxically, that although everyone has

his own interpretation, the Commissioner's statement of principle in the sentence in question is considered so self-evident that it is offensive to state it publicly. After all, does not the Quebec Charter of the French Language affirm a spirit of "fairness and open-mindedness" towards the English-speaking community of Quebec and its ethnic minorities?

In the end, what comes out of this controversy is that the Commissioner must preserve his freedom of speech and his mission of defending our minorities, with all the risks that that entails. Premier Bourassa, moreover, recognized this fact during a parliamentary debate in March 1988. The Commissioner's *right to comment* is based on a long tradition, and also flows from the need of many parties to have at their disposal as impartial an analysis as possible of the evolving language question in Canada. This is quite clearly a moral and intellectual issue rather than one of division of powers.

Structure of the Office

The Commissioner is assisted in his duties by a Deputy Commissioner, a headquarters with five branches, five regional offices and eight part-time liaison officers across Canada.

Senior staff changes in 1988 included the departure of Special Projects Adviser, Stuart Beaty, who has assumed similar duties with the Canadian Human Rights Commission. Emmanuelle Gattuso, Director of Communications, accepted a position as Vice-President, Communications, for the Canadian Association of Broadcasters and was succeeded by Patrick Doyle.

In line with its usual function of providing comprehensive advice and detailed analyses to the Commissioner and his staff on policies, legislation, regulations and court decisions on official languages, the **Policy Branch** devoted much energy to producing documentation, analyses, proposals and statements related to the study of Bill C-72. Research commissioned during the year included demolinguistic studies and an analytical bibliography on second-language retention. The Branch also had a role in organizing the colloquium on language and business discussed above.

Within days of promulgation of the new Act, the **Complaints and Audits Branch**, together with the Regional Operations Branch, held a week-long seminar to introduce its new complaints-handling manual to staff from Ottawa and the regions. Procedures were updated to take into account the time limits set out in the Act for applications to the Federal Court to resolve complaints disputes.

To ensure that it would be able to respond fully to its ombudsman role under the new legislation, the Branch now has four divisions instead of three. It has also hired a legal adviser and a number of officers, and established a complaints quality control mechanism.

The Branch has undertaken a number of policy reviews on matters arising from the Act. It has also pursued its studies of major issues such as language of work.

The Branch conducted 20 audits, follow-ups and studies in 1988. It received 2,720 complaints and requests for information, of which 2,026 were complaints against federal institutions.

The **Communications Branch** reviewed the Office's plans for informing Canadians of the requirements of the new Act. A number of specific measures arising from this strategy are to be implemented in the early months of 1989. These include an information campaign, a series of brochures and a video tape entitled "Two Languages, One Country".

The 200,000 copies of *Agenda 88/89*, published for students, were quickly snapped up. In addition, the Branch published a new poster and began production of a new video tape for youngsters aged five to seven. These communications tools were prepared in close co-operation with our federal-provincial Advisory Committee on the Youth Program.

The Branch distributed 18 news releases and co-ordinated a number of meetings with the press in various parts of Canada. At year's end there were approximately 9,000 subscribers to the Office's quarterly magazine, *Language and Society*, and about 12,000 copies of each issue were distributed. The fall issue of *Language and Society* carried a special report on language of work in federal departments and agencies.

The **Regional Operations Branch** continued to hire part-time officers to serve designated regions of Canada. In addition to those in Ontario, officers are located in Prince Edward Island, Nova Scotia, Newfoundland, Quebec City, Saskatchewan and British Columbia. These officers represent the Commissioner at conferences and special events, maintain regular contact with both minority and majority communities and the local media, and give speeches and presentations on official languages.

For reasons of efficiency, the Office's Ontario regional operations were restructured in 1988 and all officers are now located in Toronto. The Sudbury office was closed and a liaison officer was appointed in that location.

The **Resource Management Branch** provides financial, administrative and personnel services and attends to the administration aspects of the Commissioner's and Deputy Commissioner's offices. The Branch has a total of 40 person-years.

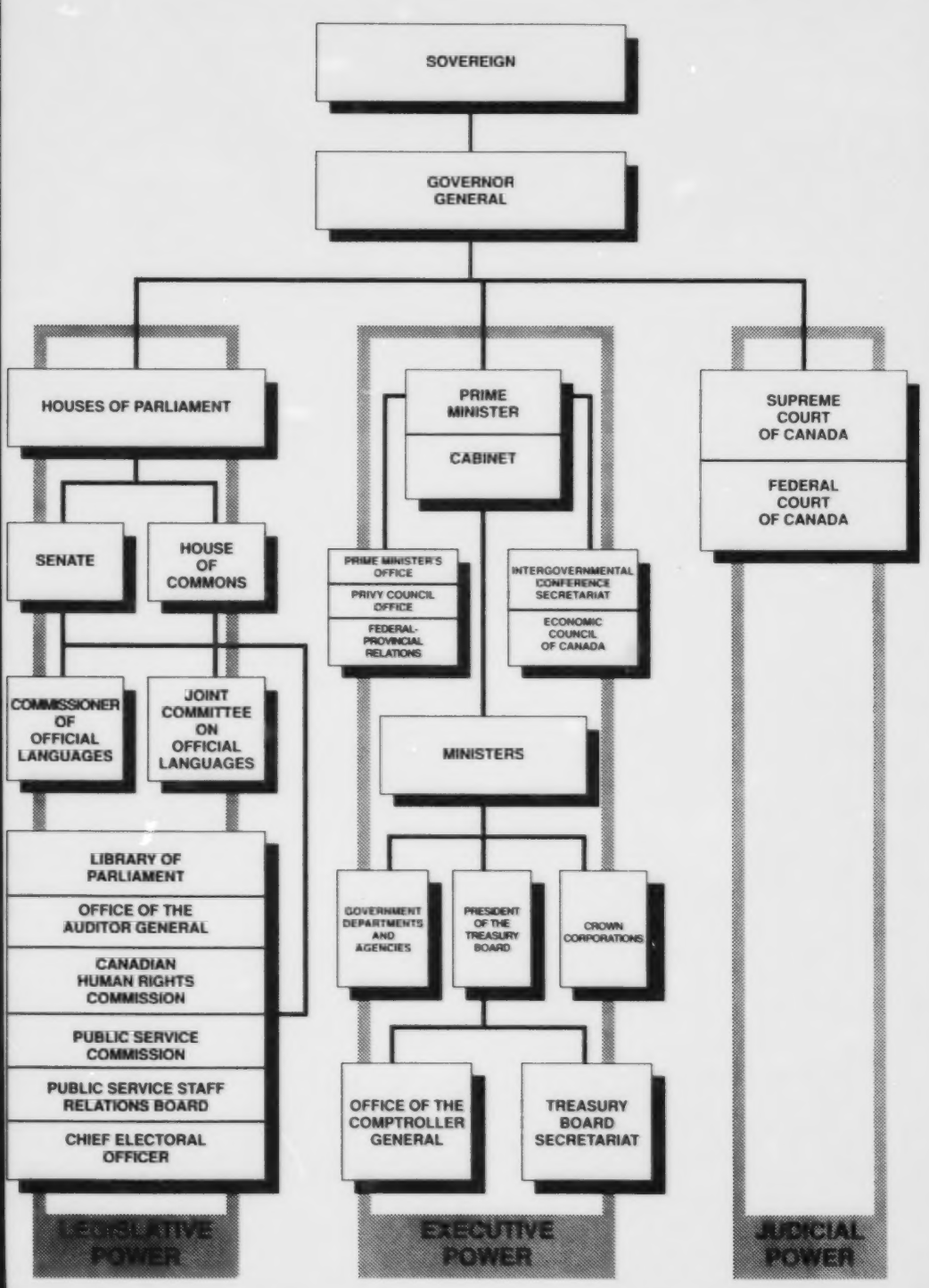
It is also responsible for the implementation of automated systems for management and for providing administrative support to branches. In the latter part of fiscal year 1988-89, the Branch will study the use of resources at the Office and the impact of the 1988 Official Languages Act on operations.

Overall Anglophone participation in the Office stood at 29.5% mark in 1988, an increase of 1.5% over 1987 and of 5% over 1984. Anglophones represented 40% of the Management category, 36.4% of officers and 16.1% of the Administrative Support category. Women represented 58% of the Office's staff, 20% of the Management category and 48.5% of the officers. Only one employee chose to be identified as belonging to a visible minority.

Office of the Commissioner of Official Languages: Staff and Budget 1988-89

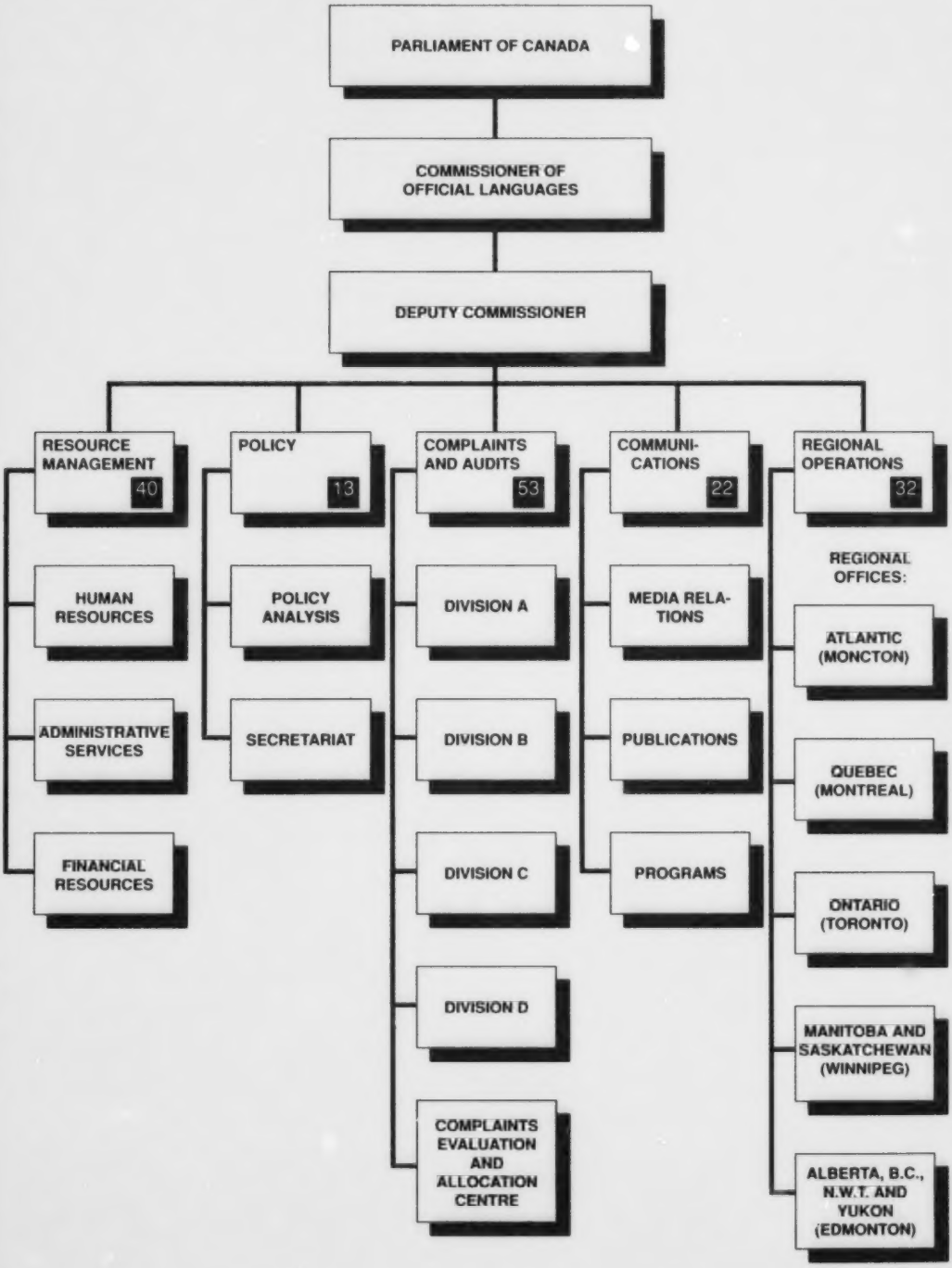
Branch	Person-years	Budget $000s
Policy	13	1,059
Complaints and Audits	53	3,101
Communications	22	2,762
Regional Operations	32	2,165
Resource Management	40	2,201
TOTALS	**160**	**11,288**

GOVERNMENT OF CANADA
Abridged Organization Chart



OFFICE OF THE COMMISSIONER OF OFFICIAL LANGUAGES

Organization Chart



■ person-years

The Official Languages Act, 1988: Synopsis[1]

Preamble

The Act recognizes in 10 preambular clauses:

- the constitutional principle that Canada is a country with two official languages, English and French, and that both languages have equal status, rights and privileges as to their use in federal institutions;
- the constitutional principles that Canadians have full and equal access to Parliament and to the laws and courts of Canada, and the right to be served by and communicate with the institutions of Parliament and the federal government in either English or French;
- that English-speaking and French-speaking employees should have equal opportunities to use either language as a language of work and equal access to and opportunities to participate in the work of the federal administration;
- a federal commitment to support the development of the English-speaking and French-speaking minorities;
- a federal commitment to work with other levels of government, business, labour and the voluntary sector in pursuing the equality of the two official languages throughout Canadian society;
- the importance of preserving and enhancing the use of other languages while strengthening the status and use of the official languages.

Purpose (Section 2)

The purpose of the Act is set out in this section, which:

- enumerates the main federal areas where official language equality is to be respected: in Parliament, courts and legislative instruments, in serving the public and within the federal administration; and

[1] This summary does not refer to all the provisions of the Act. For more information, readers are encouraged to consult the full text of the Act available from our Communications Branch. The Act can also be purchased through outlets of Supply and Services Canada.

- commits the government to the development of the official languages minorities, and to advancing the status and use of both languages in Canadian society.

Interpretation (Section 3)

- Key terms such as "Crown corporation" and "federal institution" are defined.

Proceedings of Parliament (Part I: Section 4)

This section provides for the simultaneous interpretation of debates and other proceedings of Parliament as well as the publication in both languages of Hansard and other parliamentary reports.

Legislative and other instruments (Part II: Sections 5-13)

- Federal laws, rules, orders and similar formal instruments are to appear simultaneously and with equal authority in both languages.

- Documents tabled in Parliament that are made by or under the authority of a federal institution must be tabled in both languages.

- All federal notices authorized by or pursuant to a statute are to be printed, with equal prominence, in at least one publication of each official language — or bilingually — in every region to which the notice applies.

Administration of justice (Part III: Sections 14-20)

- Federal courts (which include certain administrative tribunals) must ensure that anyone can give evidence in either official language and not be placed at a disadvantage by choosing one or the other.

- In adjudicative proceedings, federal courts (other than the Supreme Court of Canada) must ensure that whenever both languages are used, the judges or other officers who hear the proceedings must understand English and French without the assistance of an interpreter. When only one language is used, the panel members need only understand that language.

- When a federal institution is a party in civil proceedings in a federal court, the institution's counsel must use the language chosen by the other parties in oral and written pleadings.

- Final decisions of federal courts shall be made available simultaneously in both languages where both languages were used in the proceedings or where the decision determines a question of law of general public interest.

Exceptions to simultaneity are permitted, but the second-language version must nevertheless follow at the earliest possible time.

COMMUNICATIONS WITH AND SERVICES TO THE PUBLIC (PART IV: SECTIONS 21-33)

- Any member of the public has a right to communicate with and receive available services from federal institutions in accordance with this Part.

- The public has a right to communicate with and receive services in either official language:

  - from any head or central office;
  - in the National Capital Region and at any other office or facility in Canada or abroad, (a) where there is "significant demand" or (b) wherever it is reasonable owing to the "nature of the office";
  - when travelling and when there is also "significant demand".

- "Nature of the office" is to include such considerations as public health, safety and security, the location of the office, or its "national or international mandate". More precise interpretation of this and other terms such as "significant demand" is left to Governor in Council regulations to be published after due consultation with the minority language communities.

- The Act also stipulates that services provided by third parties on behalf of federal institutions are to be offered on the same basis as if they were being provided by the institutions themselves, and that federal bodies with regulatory powers affecting public health, safety and security are to use those powers "wherever it is reasonable to do so", to ensure that the organizations they regulate are able to serve the public in both languages to the extent required.

- Offices or facilities that are designated to provide bilingual service must give clear verbal and/or visual indications of their readiness to do so. This is referred to as "active offer" of service.

- When providing information to the public, federal institutions are to use whatever media are necessary for effective and efficient communication in the appropriate language.

LANGUAGE OF WORK (PART V: SECTIONS 34-38)

- The Act makes an explicit right the principle that public servants should, subject to language of service obligations, supervisory responsibilities and other factors, be able to work in either language. Federal institutions are to

provide a work environment in certain prescribed regions in which English and French can be used with as much fairness as factors such as public needs and the relative numbers of employees of both groups will allow, one where:

- personal and institutional services are available in both languages;
- widely and regularly used work instruments and automated data systems are available in both languages;
- both supervisors and management groups as a whole have an appropriate bilingual capacity in the more bilingual regions of the country.

- The prescribed regions are set out in a Treasury Board directive which is incorporated by reference into the Act. These are located in Quebec, New Brunswick and Ontario.

- In the other non-prescribed regions where one or the other language predominates, the treatment of one language must be comparable to that of the other where the situations are reversed.

- "Language of work" rules are also to be spelled out in more detail through Governor in Council regulations.

Participation of English-speaking and French-speaking Canadians (Part VI: Sections 39-40)

- The Act commits the government to the principles that English-speaking and French-speaking Canadians should have equal opportunities to obtain employment and advancement in federal institutions and that the federal work force should tend to reflect the presence of both official language communities of Canada.

- The latter principle, however, must take account of differences in the mandate, location and clientele of each institution.

- The merit principle remains the guiding principle in the selection process.

Advancement of English and French (Part VII: Sections 41-45)

- The Act assigns to the Secretary of State the duty of co-ordinating the activities of all federal institutions in promoting the development of the linguistic minorities and fostering the recognition and use of English and French in Canadian society.

- In doing so, the Secretary of State may take measures to:
  - encourage and assist the provinces to provide minority and second-language education, as well as provincial and municipal services in both languages;
  - encourage and co-operate with business, labour and the voluntary sector to provide services in both official languages;
  - foster an acceptance and appreciation of both English and French by members of the public.

Responsibilities of Treasury Board (Part VIII: Sections 46-48)

- The Act identifies Treasury Board as overall manager and co-ordinator of language policies and programs which affect the federal administration, including Crown corporations and wholly-owned subsidiaries.

- The Board must publish directives, develop regulations, inform the public, evaluate outcomes and report annually to Parliament.

Commissioner's duties and functions (Part IX: Sections 49-75)

- The Act maintains the position of Commissioner of Official Languages with the rank of deputy head, with powers to hire staff and technical assistance.

- The Act maintains the position of Commissioner of Official Languages with the rank of deputy head, with powers to hire staff and technical assistance.

- The Commissioner's duties are generally to take all measures within his authority to ensure recognition of the status of the official languages and compliance with the Act, including the promotional obligations of federal institutions.

- In furtherance of this mission, the Commissioner is to conduct investigations on his own initiative or pursuant to complaints and to report and make recommendations as set out in this Part. A number of procedural requirements, such as due notice to federal institutions, are set out to ensure fair and impartial investigations, but the Commissioner is largely free to set his own procedure.

- The Commissioner may review and report to Parliament on regulations and directives under the Act.

- If an investigation ends without adequate action being taken by the institution, the Commissioner can transmit a special report to the Governor in

Council, and the government can take appropriate steps. Should they not do so within a reasonable time, the Commissioner may transmit a further report to Parliament.

- The Commissioner must report annually to Parliament on the discharge of his duties and may at any time transmit a special report to Parliament on urgent matters. Every report to Parliament shall be transmitted for study to the appropriate Parliamentary committee.

COURT REMEDY (PART X: SECTIONS 76-81)

- Any person who has lodged a complaint with the Commissioner may, if certain conditions are fulfilled concerning timing and the results of an investigation, apply to the Trial Division of the Federal Court for a remedy.

- If the Court concludes that a federal institution has failed to comply with the Act, it may grant such remedy as it considers just and appropriate in the circumstances.

- The Commissioner may himself apply to the Court with the complainant's consent, subject to certain conditions, or may intervene in proceedings started by a complainant's application.

- Evidence of similar complaints against the same institution may be admissible in proceedings under this Part.

- The Commissioner's capacity to seek leave to intervene in other court proceedings is unimpaired.

GENERAL (PART XI: SECTIONS 82-93)

- In the event of an inconsistency, Parts I-V of the Act have primacy over all other federal statutes or regulations, except the Canadian Human Rights Act.

- The President of the Treasury Board shall consult with members of the minority language communities and, as appropriate, the general public on proposed regulations under the Act.

- Proposed regulations must be tabled in the House of Commons 30 sitting days before publication in the Canada Gazette and cannot become law until at least 30 sitting days have elapsed after publication and a reasonable opportunity has been given to interested persons to make comments to the President of the Treasury Board.

- Proposed regulations adding to or deleting from the list of prescribed regions for purposes of language of work are also subject to a negative resolution procedure in the House of Commons and Senate.

- Any language requirements related to a particular staffing action, such as the designation of a position as bilingual, must be objectively required. Complaints in this area may be investigated by the Commissioner, and can form the basis for an application to the Federal Court.

Related amendments (Part XII: Sections 94-98)

- The Criminal Code is amended to confirm the language rights of accused persons at trials and during preliminary inquiries.

- These changes to the Criminal Code are to come into force in every province no later than January 1, 1990.

- The Northwest Territories Legislature cannot amend the territorial Official Languages Act to reduce the language rights in it without the concurrence of Parliament, although they may unilaterally expand them.

- The same conditions apply to the Yukon Legislature and the Yukon Languages Act.

Consequential amendments (Part XIII: Sections 99-104)

- Various Acts like the Access to Information Act and the Privacy Act are consequentially amended for minor technical reasons.

Transitional provisions, repeal and coming into force (Part XIV: Sections 105-111)

- Transitional provisions relating to the Criminal Code amendments in Part XII, the present Commissioner of Official Languages, and the authority of the President of the Privy Council to assist Crown corporations financially, are included in this Part.

- The former Official Languages Act dating from 1969 is repealed.

- The present Act comes into force on a day to be fixed by proclamation (September 15, 1988, for all but Section 95, which comes into force on February 1, 1989).

TABLES

COMPLAINTS

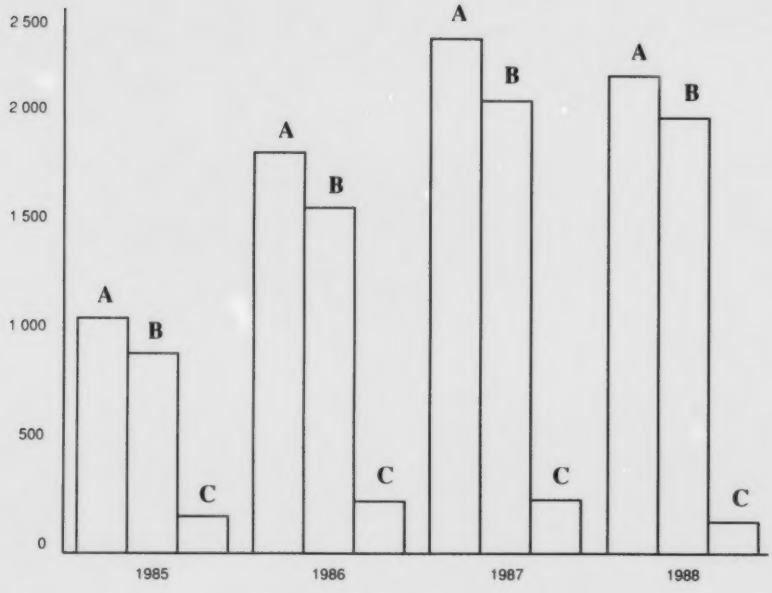
A.1

Number of complaints and information requests received, jurisdiction and nature of complaints, according to the language of the infraction, for each province/territory, 1988

	1983-1987	1988										
	Average no. of complaints received	Com-plaints	Infor-mation requests	Total	Jurisdiction		Nature and language of complaints					
							English			French		
	Number	Number	Number	Number	Federal	Non-Federal	Service	Work	Other	Service	Work	Other
Newfoundland	28	102	11	113	100	2	0	0	0	99	2	1
Prince Edward Island	44	83	7	90	78	5	1	0	0	82	0	0
Nova Scotia	232	259	33	292	251	8	2	0	0	253	1	3
New Brunswick	125	199	48	247	170	29	8	3	2	172	12	2
Quebec*	170	286	49	335	265	21	115	4	0	138	23	6
NCR – Quebec	20	39	9	48	33	6	6	0	0	25	5	3
NCR – Ontario	412	487	242	729	456	31	39	9	3	348	68	20
Ontario°	218	273	67	340	242	31	12	0	1	246	12	2
Manitoba	110	168	11	179	156	12	2	0	0	163	1	2
Saskatchewan	56	52	9	61	50	2	1	0	0	51	0	0
Alberta	96	148	25	173	144	4	2	0	2	142	2	0
British Columbia	51	44	15	59	35	9	2	0	0	40	1	1
Northwest Territories	2	13	0	13	13	0	0	0	0	13	0	0
Yukon	4	9	0	9	9	0	0	0	0	9	0	0
Foreign	10	27	5	32	24	3	15	0	0	11	1	0
TOTAL	**1,578**	**2,189**	**531**	**2,720**	**2,026**	**163**	**205**	**16**	**8**	**1,792**	**128**	**40**

* Excludes the Quebec portion of the National Capital Region.
° Excludes the Ontario portion of the National Capital Region.

A.2 COMPLAINTS OVER THE YEARS



Legend: A — Complaints (Total)
B — Service to the Public
C — Language of Work

	TOTAL	Service	Work	Other
1985	1,080	913	167	-
1986	1,840 *	1,583	242	15
1987	2,360 *	2,080	248	32
1988	2,189	1,997	144	48

* For the purposes of this table, language of work complaints regarding CSIS (1,784 in 1986 and 456 in 1987) have been regrouped and are counted as one complaint.

A.3 COMPLAINTS

Number of substantiated complaints received by institution, 1987 and 1988

Institution*	1987	1988
Air Canada	376	191
Canada Post Corporation	202	227
Canadian Broadcasting Corporation	6	19
Canadian National	24	19
Correctional Service	18	17
Elections Canada	3	101
Employment and Immigration	135	114
Energy, Mines and Resources	14	18
Environment	75	57
External Affairs	30	26
Federal Business Development Bank	8	26
Fisheries and Oceans	29	15
Fitness and Amateur Sport	9	15
Marine Atlantic	43	37
National Defence	85	74
National Health and Welfare	56	51
National Museums	9	27
National Revenue (Customs and Excise)	17	22
National Revenue (Taxation)	58	36
Petro-Canada	32	24
Public Service Commission	19	21
Public Works	36	29
Royal Canadian Mounted Police	65	32
Secretary of State	22	30
Supply and Services	38	29
Transport	85	100
Treasury Board	4	17
Via Rail	38	38

• Only those institutions that were the subject of 15 or more complaints in 1988 are listed above.

AUDITS, FOLLOW-UPS AND SPECIAL STUDIES

A.4

Audits, follow-ups and special studies conducted in federal departments and agencies, 1986, 1987 and 1988

1986

Audits
Air Canada (in-flight service air operations and maintenance)
Canada Mortgage and Housing Corporation
Canadian Security Intelligence Service
Comptroller General
Consumer and CorporateAffairs
Information and Privacy Commissioners
National Capital Commission
National Defence (Military Colleges)
National Defence (Medical Centre)
National Museums
Public Service Commission
Royal Canadian Mounted Police (Training centre and Saskatchewan)

Follow-ups
Auditor General
Bureau of Pension Advocates
Canada Lands Company (Mirabel) Limited
Canada Lands Company (Vieux-Port de Montréal) Ltd.
Canada Lands Company (Vieux-Port de Québec) Inc.
Canada Place Corporation (before Expo 86 opening)
Canada Post Corporation
Canadian Cultural Property Export Review Board
Canadian Pension Commission
CN (Headquarters)
CN (Tower and hotels)
External Affairs
Governor General
National Film Board
Pension Review Board
Prime Minister's Office
Seaway International Bridge Corporation Ltd.
Senate
Tariff Board
Veterans Affairs
War Veterans Allowance Board

1987

Audits
Bank of Canada
Correctional Service of Canada (Atlantic)
Employment and Immigration Commission (specialized services in the West)
Farm Credit Corporation
Indian Affairs and Northern Development
International Development Research Centre
Medical Research Council
National Defence (language training)
National Defence (Ottawa installations)
National Revenue (Customs and Excise, Laboratory)
Supply and Services (Supply)

Follow-ups
Canadian Commercial Corporation
Harbourfront Corporation
House of Commons
Justice
Labour Canada
National Defence (Co-ordinators)
Regional Industrial Expansion (Tourism)
Science Council of Canada

Special Studies
National Defence (language of work and linguistic profiles)
New Brunswick (language of work)
Prince Edward Island (service to the public)

1988

Audits
Air Canada (Atlantic)
Canada Labour Relations Board
Correctional Service of Canada (Quebec)
Health and Welfare Canada
Indian Affairs and Northern Development (Northern program)
National Revenue (Taxation) (first stage)
Royal Canadian Mounted Police (Headquarters)
Secretary of State (Citizenship Court)
Solicitor General of Canada
Statistics Canada
Transport Canada (Coast Guard – Atlantic)

Follow-ups
Canada Post Corporation (participation and language of work – Ottawa)
Environment
External Affairs (central administration)
National Capital Commission
Marine Atlantic

Special Studies
National and International Events
Environment (western parks)
National Defence (Francotrain)
Telephone reception (service to the public)

INTERESTED IN LANGUAGE MATTERS?

A.5

Publications, audio-visual materials, posters and kits produced by the Office of the Commissioner of Official Languages

ADULT MATERIALS

Annual Report. A bilingual publication tabled in Parliament each spring. Provides Members of Parliament and Senators as well as the general public with a yearly assessment of progress achieved in Canada's language reform program.

(R)

Extracts from the Annual Report 1988

Second-Language Instruction: Building Bridges. A policy overview and regional roundup of developments in second-language instruction.

(12W)

Language Rights: The Living Tree. A review of the most important court decisions on official languages in 1988.

(10W)

The Minorities: Letter and Spirit. A discussion of policy issues and province-by-province developments affecting our official minority groups.

(11W)

Language and Society. A bilingual quarterly review for those interested in language issues, especially opinion leaders, social and political commentators, educators and leaders in voluntary organizations, the private sector and linguistic communities. The review aims at reflecting the linguistic experience of Canadians and at keeping them informed of relevant major events and at encouraging dialogue.

(L)

Index to Language and Society. A bilingual title index of the articles contained in all the issues of *Language and Society* published to date.

(OL)

Extracts from Language and Society

Language of Work in the Federal Public Service. A factual and meticulous account based on a survey conducted in New Brunswick.

(24L)

25,000 Complaints! Complaints are the means of safeguarding your language rights. The Commissioner of Official Languages and his responsibilities as ombudsman.

(26W)

25 Years after the B & B Commission. An account of the development of bilingualism in Canada since the publication of the famous editorial by André Laurendeau. A comprehensive account. Distinguished names. Not to be missed! (Available in June 1989)

(27W)

Speeches. The Commissioner's speeches cover a wide range of subjects of interest to everyone who is concerned with the linguistic situation in Canada. A collection of twelve speeches on such topics as language rights, official language minority communities, legislation, government services, education, communications and multiculturalism is available.

(1D)

The Official Languages Act, 1988. The complete text of the Act, in both languages, presented in handy booklet form.

(9C)

Official Languages Act, 1988: Synopsis. A summary of the main elements of the recently adopted legislation.

(13W)

The New Official Languages Act. A bilingual brochure explaining the Official Languages Act, 1988.

(3Q)

The New Official Languages Act and the Minority Communities. A bilingual brochure explaining the Official Languages Act, 1988, and how, as language ombudsman, the Commissioner protects the language rights of minority communities.

(2Q)

MATERIALS FOR YOUNG PEOPLE

You Put It in Words. A collection of the best works written by young people ages 15 to 24 for a creative writing contest held by the Commissioner to celebrate International Youth Year. English selections appear on one side of the publication, French on the other.

(2V)

Share the Vision. A resource kit which gives unique insights into how young Canadians think and feel about living in a bilingual country. Each kit contains the publication *You Put It in Words*, the *Fiction in Action* video and a Study Guide. Available to teachers and organizations only.

(1V)

Explorations. A bilingual game inviting young people 12 years of age and older to discover our world's rich linguistic diversity and to learn about the roles of English and French as international languages. Each roll of the dice whisks players to another part of the world. Designed for up to four players.

(1K)

Oh! Canada 2. A bilingual kit for children eight to 12 years of age. It includes *Oh! Canada 2*, a 32-page activity booklet, *Save Geneviève*, a game in which players travel across Canada to save the unlucky heroine, and a 33 1/3 rpm record titled *Telephone*.

(2J)

Agenda. A personal illustrated bilingual calendar-diary for grade 11 students, filled with facts and figures about Canada and its two official languages. Distributed through schools.

POSTERS

Feathered Friends. An attractive poster giving the English and French names of a variety of North American birds. 45 x 55 cm.

(10K)

Owls Hoot. This colourful bilingual poster illustrates birds and animals and describes the sound each makes, in English and French. 45 x 60 cm.

(9J)

English and French...in almost half the countries of the world. A bilingual poster showing, on colourful air balloons, the flags of countries where English and French are spoken. A legend on the back identifies each flag. 50 x 70 cm.

(9K)

Languages of the World/Languages in Canada. A bilingual poster-map which illustrates the official or principal languages of more than 160 countries on one side, and on the other gives a wide variety of information on English and French and the many other languages spoken in Canada and around the world. 90 x 60 cm.

(3K)

Canada Goose. Through six light-hearted illustrations featuring a Canada Goose character, this poster shows young Canadians nine years of age and under that federal government service is available to them in both official languages. 90 x 60 cm.

(1T)

New Poster!

Two official languages/Two part-harmony. A bright and attractive poster which features an array of colourful birds singing the message "Pass it along!" 66 x 51 cm.

(11Q)

AUDIO-VISUAL MATERIALS[a]

New Products!

Two Languages, One Country. An animated, humorous map of Canada shows the special place of English and French in our country. The stretch of history surveyed is impressive and provides the background to modern legislation, including the 1988 Official Languages Act. Accompanied by a Study Guide. Suitable for workshops, classrooms, seminars and training and information sessions. Also available in French, *Deux langues, un pays*. 1/2-inch and 3/4-inch video cassettes. Eighteen minutes. (Available in May 1989.)

The Magic Mural. This animated video features Julie and Daniel, two bird-like characters lost in an imaginary world. Children five to seven years old will follow their adventure and meet exotic characters who speak a strange dialect. With their help, Julie and Daniel will be able to find their way home although they all speak a different language. Accompanied by a Study Guide and a poster. Distributed to teachers and organizations. Also available in a French version, *Le mur magique*. 1/2-inch and 3/4-inch video cassettes. Colour. Approximately eight minutes. (Available in June 1989.)

Twice Upon a Time...Il était deux fois[b]**.** A humorous look at bilingualism, Canadian style. Designed to stimulate discussion. Bilingual 16-mm. film or 1/2-inch and 3/4-inch video cassettes. Colour. Ten minutes.

Bilingualism Twenty Years Later. Commemorates the 20th anniversary of the Royal Commission on Bilingualism and Biculturalism. Interviews with a number of opinion leaders who evaluate the effectiveness of language reform in Canada. Also available in a French version, *Le bilinguisme vingt ans après*. 1/2-inch and 3/4-inch colour video cassettes. Thirty minutes.

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[a] To obtain these materials, please write to the Communications Branch, Office of the Commissioner of Official Languages, Ottawa, Canada, K1A 0T8, or call (613) 995-0826.

[b] Can be borrowed from National Film Board libraries across Canada, as well as from the Office of the Commissioner of Official Languages.

OFFICIAL LANGUAGES PROGRAMS

B.1

Spending estimates and person-years allocated to official languages programs outside and inside the federal administration, 1987-88 and 1988-89

	1987-88		1988-89	
	Revised estimates $000	Person-years	Revised estimates $000	Person-years
EXTERNAL: PROVINCES, TERRITORIES AND ORGANIZATIONS				
Secretary of State				
• Transfer payments to provinces and territories for language programs	216,541		235,845	
• Transfer payments to official language minority groups	19,631			
• Transfer payments for bilingualism development programs	12,007		43,190	
• Operating expenditures	4,712	72	5,033	75
National Capital Commission				
• Contributions to external bilingualism programs	0	0	300	0
Commissioner of Official Languages	10,609	152	11,288	160
Sub-total	263,500	224	295,656	235
INTERNAL: PUBLIC SERVICE, PARLIAMENTARY INSTITUTIONS, ARMED FORCES AND CROWN CORPORATIONS				
Treasury Board				
• Official Languages Branch	5,150	64	5,222	64
Public Service Commission				
• Language training	33,334	588	31,934	548
• Administration and other programs	4,921	94	2,715	53
Secretary of State				
• Official Languages Service	84,394	1,477	91,010	1,401
Other departments and agencies	72,583	537.5	80,245	547
Parliamentary institutions	1,105	11.5	1,246	10
Armed Forces	49,652	986	54,982	994
Crown corporations	26,899	n.a.	26,602	n.a.
Sub-total	278,038	3,758	293,956	3,617
TOTAL	**541,538**	**3,982**	**589,612**	**3,852**

n.a. No figures available.
Source : Treasury Board Secretariat.

B.2

THE TWO OFFICIAL LANGUAGE COMMUNITIES IN THE PUBLIC SERVICE OF CANADA

Participation in the Public Service by first official language and employment category, 1982 and 1988

CATEGORY		ANGLOPHONES NUMBER	%	FRANCOPHONES NUMBER	%
Management	1982	2,318	79.9	584	20.1
	1988	3,162	79.0	843	21.0
Scientific and Professional	1982	17,677	78 9	4,715	21.1
	1988	17,458	77.8	4,978	22.2
Administrative and Foreign Service	1982	38,154	71.7	15,041	28.3
	1988	38,172	69.7	16,633	30.3
Technical	1982	22,103	80.3	5,431	19.7
	1988	20,436	79.0	5,426	21.0
Total officer	**1982**	**80,252**	**75.7**	**25,771**	**24.3**
	1988	**79,228**	**74.0**	**27,880**	**26.0**
Administrative Support	1982	47,645	67.8	22,583	32.2
	1988	42,012	66.1	21,499	33.9
Operational	1982	34,885	75.4	11,379	24.6
	1988	27,855	74.9	9,326	25.1
Total support	**1982**	**82,530**	**70.8**	**33,962**	**29.2**
	1988	**69,867**	**69.4**	**30,825**	**30.6**
TOTAL	**1982**	**162,782**	**73.2**	**59,733**	**26.8**
	1988	**149,095**	**71.7**	**58,705**	**28.3**

Source: Official Languages Information System, 1982 and 1988.

SECOND-LANGUAGE ENROLMENT IN PUBLIC SCHOOLS

C.1

PROVINCE*		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION	
				Enrolment	Schools offering immersion
Newfoundland	1977-1978	156,168	67,791	95	3
	1987-1988[r]	136,228	77,145	2,979	28
	1988-1989[b]	132,580	78,000	3,300	28
Prince Edward Island	1977-1978	27,628	16,495	541	7
	1987-1988[r]	24,747	16,110	3,033	23
	1988-1989[b]	24,620	16,300	3,300	23
Nova Scotia	1977-1978	198,097	88,991	127	3
	1987-1988[r]	169,478	101,229	3,490	49
	1988-1989[b]	167,700	101,000	4,000	50
New Brunswick	1977-1978	162,229	70,629	3,179	34
	1987-1988[r]	138,531	72,500	15,458	102
	1988-1989[b]	136,600	70,000	15,500	102
Quebec	1977-1978	1,260,983[r]	667,472		
Students taking English as a second language	1987-1988[r]	1,036,180	576,300	No English immersion programs exist.	
	1988-1989[b]	1,030,600	573,200		
Quebec	1977-1978	n.a.	n.a.	17,754	n.a.
Students taking French as a second language	1987-1988[r]	n.a.	n.a.	18,750	n.a.
	1988-1989[b]	n.a.	n.a.	19,000	n.a.
Ontario	1977-1978	1,950,308	883,269	12,764	160
	1987-1988[r]	1,823,800	1,044,300	108,000	830
	1988-1989[b]	1,845,000	1,075,000	115,000	840

* Figures represent all public school students in Quebec.

ELEMENTARY[a] (Core)			SECONDARY[c] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%
93,440	33,585	35.9	62,453	34,111	54.6
68,101	36,802	54.0	64,962	37,364	57.5
65,300	37,200	57.0	63,780	37,500	58.8
13,284	7,351	55.3	13,171	8,603	65.3
10,302	6,059	58.8	10,908	7,018	64.3
10,000	6,200	62.0	10,810	6,800	62.9
100,529	30,025	29.9	91,545	58,839	64.3
83,723	46,049	55.0	78,463	51,690	65.9
82,910	46,210	55.7	76,990	50,790	66.0
49,019	29,563	60.3	56,930	37,887	66.6
36,619	31,989	87.4	40,505	25,053	61.9
35,800	31,000	86.6	38,300	23,500	61.4
580,351	214,730	37.0	473,402	463,934	98.0
602,680	252,000	41.8	326,500	320,000	98.0
602,100	255,000	42.4	324,500	318,000	98.0
See Table C.2 (minority language education)			See Table C.2 (minority language education)		
1,221,579	650,136	53.2	612,574	220,369	36.0
1,025,700	690,000	67.3	597,600	246,300	41.2
1,032,000	710,000	68.8	605,000	250,000	41.3

Continued

PROVINCE[a]		Total school population	TOTAL SECOND-LANGUAGE ENROLMENT	FRENCH IMMERSION Enrolment	FRENCH IMMERSION Schools offering immersion
Manitoba	1977-1978	221,408	85,619	1,667	13
	1987-1988	199,389	106,525	16,395	84
	1988-1989	199,100	108,000	18,000	85
Saskatchewan	1977-1978	216,248	53,804	407	2
	1987-1988	203,499	92,877	8,398	58
	1988-1989	204,100	102,300	9,300	58
Alberta	1977-1978	439,804	n.a.	n.a.	n.a.
	1987-1988	452,605	162,678	22,779	145
	1988-1989	460,100	177,000	26,000	150
British Columbia	1977-1978	527,769	161,110	1,301	15
	1987-1988	491,309	209,856	21,404	164
	1988-1989	493,200	218,000	27,000	170
Yukon	1977-1978	5,394	n.a.	n.a.	n.a.
	1987-1988	4,896	2,695	318	2
	1988-1989	5,000	2,950	390	2
Northwest Territories	1977-1978	12,717	n.a.	n.a.	n.a.
	1987-1988	13,386	4,046	310	4
	1988-1989	13,400	4,100	350	4
TOTAL	**1977-1978**	**5,178,753**	**(1)**	**37,835**	**237**
	1987-1988	**4,694,048**	**2,485,011**	**221,314**	**1,489**
	1988-1989	**4,712,000**	**2,544,850**	**241,140**	**1,512**

(1) Column adds to 2,112,934 for 1977-1978, while row adds to 2,240,949 for that year, owing to unavailability of immersion data for Alberta and the Northwest Territories.

[a] Where no notation appears, French is the second language taught.

[b] Statistics Canada estimate.

[c] See Table C.2 for minority language education enrolment.

[d] Includes grades k to 6, except Ontario (k-8); British Columbia and Yukon (k-7).

ELEMENTARY[a] (Core)			SECONDARY[a] (Core)		
School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%	School population having English as the language of instruction (French in Quebec)	Second language[b] Enrolment	%
110,831	42,576	38.4	100,707	41,376	41.1
90,035	48,640	54.0	87,734	41,490	47.3
88,850	49,000	55.1	87,100	41,000	47.1
110,382	4,928	4.5	104,075	48,469	46.6
106,539	40,776	38.3	87,194	43,703	50.1
106,400	48,000	45.1	87,000	45,000	51.7
216,656	52,435	24.2	215,899	58,903	27.3
234,000	65,524	28.0	193,937	74,375	38.4
238,000	71,400	30.0	194,200	79,600	41.0
305,574	75,740	24.8	220,894	84,069	38.1
278,999	91,223	32.7	188,985	97,229	51.4
278,200	94,000	33.8	186,000	97,000	52.2
3,545	1,346	38.0	1,849	939	50.8
2,836	1,430	50.4	1,696	947	55.8
2,860	1,600	55.9	1,700	960	56.5
8,801	2,100	23.9	3,916	1,100	28.1
9,103	2,244	24.7	3,973	1,492	37.6
9,100	2,250	24.7	3,950	1,500	38.0
2,813,991	**1,144,515**	**40.7**	**1,957,415**	**1,058,599**	**54.1**
2,548,637	**1,312,736**	**51.5**	**1,682,457**	**946,661**	**56.3**
2,551,520	**1,351,860**	**53.0**	**1,679,330**	**951,650**	**56.7**

[a] Includes grades 7-12, except Ontario (9-13); Quebec (7-11); British Columbia and Yukon (8-12).
[b] Figures revised since publication of the 1987 Annual Report.
n.a. No figures available.

Source: Statistics Canada, Elementary and Secondary Education.

C.2

MINORITY LANGUAGE EDUCATION PROGRAMS

Enrolment in programs designed to provide education in their mother tongue (English in Quebec and French elsewhere to members of the official language minority groups, grades in which offered and number of schools where offered, for each province and territory, 1970-71, 1987-88 and 1988-89

		Enrolment	Grades	Number of schools
Newfoundland	1970-71	185	k to 10	1
	1987-88[r]	186	k-6, 10-12	4
	1988-89[p]	200	k-6, 10-12	4
Prince Edward Island	1970-71	796	1 to 12	7
	1987-88[r]	504	1 to 12	2
	1988-89[p]	510	1 to 12	2
Nova Scotia	1970-71	7,388	p to 12	32
	1987-88[r]	3,802	p to 12	19
	1988-89[p]	3,800	p to 12	19
New Brunswick	1970-71	60,679	k to 12	196
	1987-88[r]	45,949	k to 12	157
	1988-89[p]	47,000	k to 12	160
Quebec	1970-71	248,855	k to 11	519
	1987-88[r]	107,000	k to 11	375
	1988-89[p]	104,000	k to 11	370
Ontario	1970-71	115,869	k to 13	381
	1987-88[r]	92,500	k to 13	365
	1988-89[p]	93,000	k to 13	365
Manitoba	1970-71	10,405	k to 12	49
	1987-88[r]	5,225	k to 12	28
	1988-89[p]	5,150	k to 12	28
Saskatchewan	1970-71	765	k to 12	12
	1987-88[r]	1,368	k to 12	14
	1988-89[p]	765	k to 12	14

Continued

		Enrolment	Grades	Number of schools
Alberta	1970-71	n.a.	n.a.	n.a.
	1987-88'	1,889	k to 12	18
	1988-89*	1,900	k to 12	18
British Columbia	1970-71	-	-	-
	1987-88'	1,921	k to 12	37
	1988-89*	2,000	k to 12	37
Yukon	1970-71			-
	1987-88'	46	k-7, 9	2
	1988-89*	50	k to 9	2
Northwest Territories	1970-71	-	-	-
	1987-88'	-	-	-
	1988-89*	-	-	-
TOTAL	**1970-71**	**444,942**		**1,197**
	1987-88'	**260,390**		**1,021**
	1988-89*	**259,010**		**1,019**

* Statistics Canada estimate.

' Figures revised since publication of the Annual Report 1987.

n.a. No figures available.

Source: Statistics Canada, Elementary and Secondary Education.

D.1 THE STATUS OF MAJOR OFFICIAL LANGUAGE PROVISIONS: A CROSS-CANADA SURVEY.

	Federal Parliament and Institutions	Newfoundland	Nova Scotia	Prince Edward Island	New Brunswick	Quebec
Right to minority language education *(S.23 Charter)*	*	*	*	*	*	*①
Right to receive federal government services in English and French *(S.20(1) Charter*, Part IV, OLA, 1988)	*	*	*	*	*	*
Right to receive provincial/territorial government services in English or French	N/A				*S.20(2) Charter of Rights* OLA, 1969 Equality of Official Linguistic Communities Act, 1981	Law 142, 1986 (guaranties health and social services in English)
Right to use English or French in debates and proceedings of legislature	*S.133 Constitution Act, 1867*				*S.17(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
Obligation to use English and French in statutes, records and journals of legislature	*S.133 Constitution Act, 1867*				*S.18(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
Right to use English or French in criminal proceedings	*S.133 Constitution Act, 1867*	④	④ S.462.1 (for summary conviction offences)	④ S.462.1 (for summary conviction offences)	*S.19(2) Charter of Rights* S.462.1 Cr.C OLA, 1969	④ *S.133 Constitution Act, 1867*
Right to use English or French in civil proceedings	*S.133 Constitution Act, 1867*				*S.19(2) Charter of Rights* OLA, 1969	*S.133 Constitution Act, 1867*
CBC TV and radio network: minority language programming (Broadcasting Act)	*	*	*	*	*	*
Obligation to use bilingual product labelling (Consumer Packaging and Labelling Act)	*	*	*	*	*	*

Key * Applies in this jurisdiction. Italics indicate constitutionally entrenched provisions.

Explanatory note: Some rights and obligations, such as those relating to Parliament, legislation or the courts, generally have effect as of their date of proclamation. Others such as those relating to services to the public or minority language education rights, may be subject to gradual implementation. Parts II and IV of this Report provide more detailed information.

Notes

① The so-called "Mother Tongue clause" (Section 23(1)(a)) of the Charter of Rights, whereby "Citizens of Canada whose first language learned and still understood is that of the English of French minority population of the province in which they reside" may have their children educated in the minority language of that province, is not currently applicable to Quebec. The Charter, however, grants the provincial legislature the option to declare this provision applicable to Quebec.

Ontario	Manitoba	Saskatchewan	Alberta	British Columbia	Northwest Territories	Yukon
*	*	*	*	*	*	*
*	*	*	*	*	*	*
S.5 French Language Services Act, 1986					② S.15 NWT Official Languages Act, 1984	③ S.6(1) Languages Act, 1988
S.3(1) French Language Services Act, 1986	*S.23 Manitoba Act, 1870*	S.12 Language Act, 1988	S.5(1) Languages Act, 1988		② S.10 NWT Official Languages Act, 1984	③ S.3(1) Languages Act, 1988
S.3(2) French Language Services Act (As of Jan. 1, 1991)	*S.23 Manitoba Act, 1870*				② S.12 NWT Official Languages Act, 1984	S.4 Languages Act 1988 (As of Dec. 31, 1990, and applies only to legislation)
S.462.1 Cr.C	S.462.1 Cr.C	S.462.1 Cr.C	④	④	S.462.1 Cr.C	S.462.1 Cr.C
Courts of Justice Act, 1984 (Range of French-Language Rights in designated courts)	*S.23 Manitoba Act, 1870*	S.11 Language Act, 1988 (before designated courts)	S.4 Languages Act, 1988 (oral communications before designated courts)		② S.13 NWT Official languages Act, 1984	③ S.5 Languages Act, 1988
*	*	*	*	*	*	*
*	*	*	*	*	*	*

② Provisions of this Act come into force no later than December 31, 1990.
③ Provisions of this Act come into force no later than December 31, 1992.
④ S.462.1 will automatically go into effect Jan. 1 1990, in those provinces where it is not already in force.

Sources: Constitution Act, 1867; Constitution Act, 1982 (Canadian Charter of Rights and Freedoms); Manitoba Act, 1870; Official Languages Act, 1988; Northwest Territories Official Languages Act; Courts of Justice Act, 1984 (Ontario); Criminal Code; An Act to again amend an Act respecting health services and social services (Law 142, Quebec); Languages Act (Yukon); Languages Act (Alberta); An Act respecting the use of the English and French languages in Saskatchewan; French Language Services Act (Ontario); Official Languages Act, 1969 (New Brunswick); An Act recognizing the equality of the two Official Linguistic Communities in New Brunswick (1981).

COMMISSIONER OF OFFICIAL LANGUAGES

COMMISSAIRE AUX LANGUES OFFICIELLES

ANNUAL REPORT 1988

From Act to Action

COMMISSAIRE AUX LANGUES OFFICIELLES

COMMISSIONER OF OFFICIAL LANGUAGES

RAPPORT ANNUEL 1988

Monsieur le Président
du Sénat
Ottawa

Monsieur le Président,

Conformément à l'article 66 de la *Loi sur les langues officielles*, je soumets au Parlement, par votre intermédiaire, le dix-huitième Rapport annuel du Commissaire aux langues officielles qui se rapporte à l'année civile 1988.

Je vous prie d'agréer, Monsieur le Président, l'assurance de ma très haute considération.

Le Commissaire aux langues officielles,

D'Iberville Fortier

Avril 1989

Monsieur le Président
de la Chambre des communes
Ottawa

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Conformément à l'article 66 de la *Loi sur les langues officielles*, je soumets au Parlement, par votre intermédiaire, le dix-huitième Rapport annuel du Commissaire aux langues officielles qui se rapporte à l'année civile 1988.

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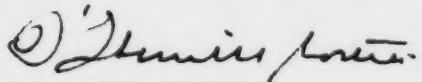
Le Commissaire aux langues officielles,



D'Iberville Fortier

Avril 1989

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Avant-propos : ce qui nous unit

Notre dualité linguistique est une « caractéristique fondamentale » du Canada et, à ce titre, l'un des principaux symboles et l'une des réalités premières de notre identité nationale. Les droits linguistiques qu'elle sous-tend doivent aussi être considérés, ainsi que l'affirmait cette année la Cour suprême du Canada, comme « un genre bien connu de droits de la personne, et être abordés en conséquence ». C'est à ce double titre que dualité et droits méritent notre fervent appui.

Le gouvernement et les institutions fédérales pourraient cependant se demander s'il est toujours besoin d'accorder à ce domaine une haute priorité, de chercher à y insuffler un véritable renouveau, maintenant que la *Loi sur les langues officielles* de 1988 en définit plus précisément les exigences et les recours. Nous en sommes encore plus convaincus qu'avant l'adoption de la Loi. Prosélytisme ? La raison en est beaucoup plus simple. C'est que nos législateurs lui ont expressément conféré, pour en reconnaître l'importance, un caractère promotionnel. « Le gouvernement fédéral s'est engagé à (...) favoriser l'épanouissement des minorités (...) à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne. » Cela devrait suffire à convaincre tous les responsables qu'une éventuelle attitude de laisser-faire financier ou administratif serait en contradiction avec la volonté du Parlement.

Voilà pourquoi ce rapport comporte l'ébauche d'un plan directeur pour une mise en oeuvre efficace de la nouvelle *Loi sur les langues officielles*. C'est au gouvernement et aux institutions fédérales que revient la responsabilité de traduire en règlements et en réalités la volonté politique inscrite dans la Loi. Nous avons cependant cru utile d'énoncer des recommandations qui pourront les aider, servir de base à nos discussions avec eux et peut-être contribuer aussi à montrer à tous l'ampleur de la tâche.

L'année que nous venons de vivre nous a rappelé que dans une fédération décentralisée comme la nôtre, il est nécessaire d'user pleinement du leadership fédéral, mais aussi d'accepter, au-delà de certaines règles fondamentales, une diversité de situations et d'interprétations qui est l'apanage de notre système fédéral. Il faut reconnaître d'abord que si les deux langues doivent jouir d'un statut égal au sein des institutions fédérales, en ce qui a trait à l'instruction dans la langue de la minorité et quant à l'application du droit pénal, la Constitution est loin de

l'imposer à chacune des provinces pour ce qui est de leurs propres compétences. En second lieu, dans notre pays, et plus encore en Amérique, la langue anglaise est dominante et c'est pourquoi l'intérêt national dicte de défendre et de protéger la langue française par tous les moyens appropriés. Ces asymétries ne justifient pas, à nos yeux, n'importe quel écart, mais le refus d'en tenir compte conduirait à de perpétuels malentendus. L'ensemble de la fédération doit néanmoins tendre vers une vision convergente de l'intérêt national et du respect des droits des minorités. Cela ne peut résulter que d'un effort délibéré.

Dans cette perspective, 1988 nous a réservé de grandes déceptions, mais elle a aussi été porteuse d'espoirs. Notre déception, pour ce qui est du fédéral d'abord, est que, malgré l'aube du renouveau auquel nous avons pu assister, on ne se soit pas attaqué plus vigoureusement à en appliquer les principes à l'ensemble des institutions fédérales. Le nombre élevé de plaintes reçues en atteste clairement tout comme la prépondérance de celles qui nous viennent de nos minorités numériquement les plus faibles. On a heureusement fait beaucoup mieux en ce qui a trait à la négociation d'accords fédéraux-provinciaux en faveur de certaines communautés minoritaires. Nous préconisions, avec l'important appui du Comité mixte permanent des langues officielles, une relance au double niveau législatif et administratif. Nous avons surtout eu la première. Certains se sont inquiétés du ton du débat sur la nouvelle loi et de la résurgence ici et là d'une opposition, hélas souvent mal informée, à cette reconnaissance accrue de la dualité linguistique canadienne et à ses conséquences. Nous retenons surtout, pour notre part, l'impressionnant consensus qui s'en est dégagé et la volonté de faire plus et mieux.

Nous avons aussi assisté dans deux provinces de l'Ouest et au Québec aux réactions suscitées par des arrêts majeurs de la Cour suprême. Nous exerçons ici comme chaque année notre droit et notre devoir de commenter de tels sujets. Sur le plan juridique, les deux situations ne sont sans doute pas comparables, puisque les législations adoptées en Saskatchewan et en Alberta, qui ont si profondément déçu en jetant une douche glacée sur une vision historique des droits du français dans ces provinces, ont contrevenu à l'esprit mais non à la lettre de cet arrêt. Étant donné la solution qu'il a retenue, le Québec, pour sa part, a été amené à faire appel à la clause dérogatoire et sa décision de compromis devait susciter de vives tensions au sein de la majorité francophone et l'opposition de sa minorité anglophone, légitimement désappointée de la tournure des événements et espérant encore pouvoir en infléchir le cours. L'on a beaucoup dit qu'au cœur de ce problème se trouvait un conflit entre des droits collectifs et des droits individuels. On a peut-être eu tendance à oublier que ces droits individuels, par leur nature, sont aussi collectifs par leurs effets sur la communauté minoritaire. On chercherait en vain, dans les suites réservées à ces jugements de notre plus haut tribunal, la progression espérée vers le renforcement du statut de nos deux langues officielles.

Nous rappelons dans ce rapport nos prises de position sur ces graves problèmes et réaffirmons notre espoir que dans ces deux cas les autorités compétentes pourront vaincre les obstacles. Ils nous semblent provenir de réalités socio-politiques fort différentes mais bien ancrées dans les deux régions concernées. Serait-il impossible pour autant de prendre un nouveau départ vers une meilleure réconciliation des droits et espoirs de la minorité et des aspirations de la majorité ?

Mais nous avons aussi parlé de développements plus positifs. La nouvelle *Loi sur les langues officielles* en est un de premier ordre qui ne menace en rien, à notre avis, les compétences provinciales et pourra, si on lui donne l'application qu'elle mérite, contribuer à nous rapprocher de notre objectif de partenariat national. Il faudrait être pusillanime pour se laisser convaincre de mettre la pédale douce au renouveau de la réforme du régime linguistique fédéral, à cause d'incidents de parcours qui ne changent rien aux obligations du gouvernement fédéral.

Il existe aussi des raisons de se réjouir en Ontario où la nouvelle *Loi sur les services en français* entrera en vigueur cette année. Le Nouveau-Brunswick s'avance, quoique encore timidement, vers une politique de mise en œuvre plus systématique de lois linguistiques et communautaires qui ne sont pas d'hier. Au Québec, la loi garantissant aux anglophones des services sociaux et de santé dans leur langue dont on attend l'application avec impatience, le projet de loi relatif à l'éducation, les efforts particuliers en matière d'enseignement du français et de l'anglais langues secondes que compte déployer le ministre de l'Éducation et même les débuts d'une nouvelle politique nataliste, sont autant de domaines de convergences qui devraient profiter à tous, y compris bien sûr à la minorité anglophone. Ailleurs, des ombres, des tâtonnements, mais aussi quelques portes qui s'entrouvrent. La reconnaissance pratique des droits des minorités à l'enseignement dans leur langue, prévu par la *Charte canadienne des droits et libertés*, ne progresse qu'avec trop de lenteur dans la plupart des provinces, mais on peut espérer qu'un jugement très attendu de la Cour suprême viendra confirmer des interprétations plus généreuses que celles qui ont cours dans beaucoup de législations provinciales.

Nous partageons donc avec un bon nombre de nos concitoyens leurs regrets, mais aussi leurs espoirs. Le Canada a démontré depuis longtemps son art de vivre en paix et de progresser grâce au dialogue dans les domaines les plus divers. Il faudra d'abord une décrispation générale. Elle viendra, soyons-en sûrs. Trop souvent le passionnel et le symbolique risquent de l'emporter sur d'autres valeurs. Si nos tensions linguistiques refont surface périodiquement, c'est peut-être aussi en partie parce que nous cherchons activement des solutions à des problèmes difficiles que beaucoup d'autres pays préfèrent éluder. Notre mélange particulier et nécessaire de droits linguistiques, aux caractéristiques à la fois personnelles et territoriales, répond aux legs de notre histoire et à un souci de justice, mais il est, il faut le reconnaître, d'une application fort complexe qui exige

détermination et patience. Notre respect fondamental des droits et notre capacité de trouver des accommodements triompheront, cependant, si l'on en juge par les progrès accomplis dans beaucoup de domaines.

D'autres défis nous attendent, par exemple quant aux adaptations que rendra nécessaires l'Accord de libre-échange entre le Canada et les États-Unis. Nous devrons faire preuve d'une grande vigilance, étant donné l'influence qu'il ne manquera pas d'exercer sur notre société et sur l'équilibre de nos deux langues nationales et des cultures qu'elles véhiculent. Dans le domaine constitutionnel, l'avenir de l'accord du lac Meech préoccupe à juste titre. Nous continuons, dans notre propre perspective, à appuyer sa ratification malgré les réserves que nous éprouvons quant à certains de ses aspects. Il existe en effet d'autres moyens d'en tenir compte.

Nous évoquions plus haut le besoin d'une vision convergente de l'intérêt national et du respect des droits minoritaires. Nous proposons à ce sujet que le gouvernement canadien invite les provinces, dans l'esprit de la *Charte canadienne des droits et libertés* (article 16.3) et de la *Loi sur les langues officielles*, à s'entendre, au cours de la prochaine ronde de négociations constitutionnelles, sur une formule visant à appuyer le développement des minorités francophones et anglophones et à réduire l'écart actuel entre le statut de nos langues officielles à travers le pays. Elle aurait pour objet l'extension des services dans leur langue aux minorités de langue officielle. En somme, il faut conserver l'initiative et mettre l'accent sur tout ce qui nous unit pour qu'en jaillisse une force nouvelle orientée vers l'avenir.

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C'est au chapitre 1 que l'on trouvera la synthèse de nos observations, de nos commentaires et de nos principales recommandations. Nos propositions pour un plan directeur se trouvent en partie VI.

Il convient peut-être de souligner que notre rapport est alimenté cette année par des événements d'une exceptionnelle importance. Il sert non seulement sa fin officielle, qui est de rendre compte au Parlement, mais constitue un ouvrage de référence et renseigne plusieurs publics distincts qui, chacun selon ses intérêts, le trouve souvent dans son domaine propre trop succinct à son goût. Il s'agit certes des parlementaires et des leaders d'opinion, mais aussi des employés des institutions fédérales, des autorités provinciales qui souhaitent pouvoir se situer par rapport aux autres, des leaders des communautés minoritaires, des milieux de l'éducation, des juristes, etc. Notre rapport fait aussi état cette année de plusieurs travaux de recherche effectués à son intention.

En plus d'expliquer et de commenter la nouvelle loi sous ses principaux aspects, nous avons consacré un effort tout particulier à notre rôle de protecteur des droits du citoyen qui est au cœur de notre mandat, et sort renforcé de la nouvelle

législation. Nous avons fait de même en ce qui a trait à l'application des trois composantes de l'égalité linguistique que sont le service au public, la participation équitable des deux communautés linguistiques dans les institutions fédérales et le droit de leurs employés d'utiliser au travail, dans certaines conditions, la langue de leur choix. Ces chapitres ont reçu cette année beaucoup d'attention pour pouvoir en tirer des recommandations valables. Nous espérons donc pouvoir les utiliser au moins pour une ou deux années à venir comme base pour jauger le rendement linguistique des institutions fédérales.

D'I. F.

PARTIE I

L'année 1988

1. Affaires d'État : temps variable

De toute évidence, 1988 fut une année mouvementée. À la suite de nombreuses initiatives politiques et législatives, notre plan de vol national a comporté d'importantes étapes : l'accord du lac Meech maintenant ratifié par huit provinces sur dix ; la toute nouvelle *Loi sur le multiculturalisme* ; le projet de refonte de la *Loi sur la radiodiffusion* ; enfin, l'important traité de libre-échange avec nos voisins du Sud. Il se pourrait bien cependant que les Canadiennes et les Canadiens se remémorent l'année écoulée comme ayant été celle des décisions de la Cour suprême et des lois linguistiques. Ainsi, la *Loi sur les langues officielles* fut-elle proclamée le 15 septembre. En avril, la Saskatchewan adopta une nouvelle loi linguistique (loi 2) en réponse au jugement de la Cour suprême du Canada dans l'affaire Mercure portant sur le statut du français dans cette province. En juillet, l'Alberta a adopté à son tour une loi linguistique (loi 60) en réaction au même jugement. En mai, alors qu'un comité parlementaire débattait le projet de loi fédéral sur les langues officielles (projet de loi C-72), l'Assemblée législative du Yukon a adopté elle aussi une loi linguistique (loi 7). Enfin, au Québec, le gouvernement a adopté, un peu avant Noël, le projet de loi 178 à la suite de la décision longuement attendue de la Cour suprême touchant les dispositions de la *Charte de la langue française* (loi 101) en matière d'affichage. Inutile de souligner que dans certains cas, ces lois n'ont guère fait progresser la cause de la tolérance linguistique au Canada, ni favorisé, pour employer les termes de la nouvelle *Loi sur les langues officielles*, la « pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne ».

Un tel branle-bas, sans précédent dans le domaine linguistique, témoigne avec éloquence du fait que les Canadiens et leurs dirigeants sont toujours aux prises avec leurs engagements passés alors même qu'ils débattent ceux de l'avenir. Le passé nous a légué des droits linguistiques inscrits dans la Constitution et des textes de loi tant récents qu'anciens — droits qui ont ultimement pour objet d'assurer la reconnaissance de communautés linguistiques souvent asymétriques et dont la répartition géographique est loin d'être uniforme. La *Loi sur les langues officielles* de 1988 est venue confirmer et étayer ces droits.

La Loi sur les langues officielles *de 1988*

La Loi, dont nous traitons au chapitre suivant, constitue à la fois le reflet d'un consensus et un nouveau point de départ : tout indique qu'elle répondra encore à nos besoins pour une bonne partie du XXI[e] siècle. Elle propose un nouvel idéal en matière de traitement du français et de l'anglais dans l'ensemble de la société canadienne ; tout en confirmant l'égalité de statut des deux langues au sein de l'appareil fédéral, elle s'attache aux besoins de nos communautés minoritaires de langue officielle et aux exigences pratiques de la communication entre Canadiens. En accordant un indéfectible soutien aux dispositions de la Loi, le Premier ministre et les chefs des partis d'opposition ont montré un sens authentique des responsabilités. Ils ont collectivement, de concert avec leurs formations politiques respectives, souscrit à une vision de la société canadienne basée sur la justice et la tolérance. La nouvelle loi insiste sur le fait que le français et l'anglais ne sont pas simplement des outils de communication entre le gouvernement et les citoyens, mais qu'ils expriment la réalité profonde de notre identité nationale. Cependant, la Loi ne constitue, en un sens, qu'un négatif photographique qu'il faudra développer et agrandir pour améliorer, au jour le jour, la vie des Canadiens. Seule une action dynamique fondée sur les principes de la Loi nous permettra d'atteindre cet objectif.

Comme le démontre un sondage réalisé en avril 1988 par la maison Angus Reid, plus des deux tiers des Canadiens estiment, avec un enthousiasme variable, que la pleine reconnaissance de notre dualité linguistique demeure toujours l'idéal à atteindre. Il va sans dire que cette opinion est plus ou moins partagée selon les régions. Dans la Prairie, par exemple, un peu moins de la moitié des personnes interrogées approuvaient le bilinguisme officiel. De toute évidence, il faut continuer d'expliquer les motifs essentiels de la politique linguistique nationale et démontrer qu'elle est et restera équitable pour tous. À n'en pas douter, on aurait pu éviter l'alarmisme de certains dans les débats parlementaires sur le projet de loi en présentant ses objectifs de façon énergique et claire au public canadien. Même si la législation fédérale sur la langue n'a pas suscité beaucoup de commentaires lors des élections nationales en octobre dernier, le public paraissait toujours incertain quant aux buts de la nouvelle loi et beaucoup en ignoraient même l'existence. Les tièdes efforts du gouvernement en matière d'information n'ont guère contribué jusqu'ici à dissiper les craintes en matière d'emploi et de respect des compétences provinciales, ni surtout favorisé l'harmonie dans les relations entre Canadiens. De plus, à la fin de l'année, il était évident que l'on ne ressentait toujours pas aux échelons intermédiaires et inférieurs de l'administration fédérale l'élan qu'il faudrait pour assurer aux minorités linguistiques des services adéquats et créer un milieu de travail où l'on se sente aussi à l'aise en français qu'en anglais. Les fonctionnaires ont besoin de comprendre exactement ce que l'on attend d'eux et quels sont leurs droits. Il ne sert à rien de chercher à promouvoir les langues officielles dans la société canadienne si les responsables de cette politique ne voient pas la nécessité de l'expliquer aussi longtemps qu'il le faudra et en termes de tous les jours.

Le multiculturalisme

La loi C-93, « Loi sur le maintien et la valorisation du multiculturalisme au Canada », reçut la sanction royale en juillet 1988. Les grands objectifs de la Loi sont de sensibiliser les Canadiennes et les Canadiens à la diversité culturelle de leur pays et à leur droit de conserver et de partager leur héritage culturel. Le multiculturalisme doit être promu « en harmonie avec les engagements nationaux pris à l'égard des deux langues officielles ». Bien que la Loi ait suscité un vif intérêt chez les communautés ethniques, la presse lui a fait un accueil mitigé, estimant que le multiculturalisme risquait d'affaiblir l'identité canadienne.

Lors de sa comparution en avril dernier devant le Comité parlementaire chargé de l'étude de ce projet de loi, le Commissaire a réitéré son appui au multiculturalisme dans le cadre du bilinguisme officiel. L'un des aspects actuels de la réalité canadienne est en effet qu'un nombre grandissant de personnes d'origines ethniques diverses se sont intégrées à l'une ou l'autre de nos communautés de langue officielle. Au regard de l'histoire, cependant, la politique en matière de multiculturalisme doit s'harmoniser avec les exigences de la dualité linguistique du pays et favoriser l'expression de valeurs nationales convergentes. En particulier, il faut offrir aux nouveaux venus l'occasion d'apprendre nos deux langues officielles et de comprendre l'héritage qu'elles incarnent. Le Commissaire a indiqué que des programmes d'information et de relations interculturelles bien conçus pourraient aider nos concitoyens à mieux apprécier les avantages respectifs du multiculturalisme et de la dualité linguistique. De plus en plus conscients de la richesse et de la diversité de leur patrimoine culturel, les Canadiens sentent la nécessité de se faire plus tolérants envers toutes les langues et tous les groupes ethniques. La *Loi sur le multiculturalisme* est fort opportune. Si elle est comprise et appliquée de façon à renforcer l'identité canadienne, nous en serons tous enrichis.

L'accord du lac Meech

À la fin de l'année, plusieurs observateurs ont sonné, plutôt prématurément selon nous, le glas de l'accord du lac Meech. La décision de la Saskatchewan et de l'Alberta d'abroger certains droits historiques de leur minorité de langue officielle avait déjà été critiqué comme un reniement de l'engagement qu'elles avaient pris de « protéger » les communautés minoritaires dont l'existence constitue, d'après l'accord, « une caractéristique fondamentale du Canada ». Aussi se montra-t-on sceptique lorsque le ministre fédéral responsable des relations avec les provinces, le sénateur Lowell Murray, affirma que cela n'aurait pu se produire si l'entente du lac Meech avait été ratifiée. Mais c'est la prompte réaction du gouvernement québécois à la double décision de la Cour suprême du Canada sur les dispositions de la loi 101 en matière d'affichage qui a provoqué une véritable levée de boucliers. Le vif débat qui s'ensuivit a manifestement ébranlé le fragile consensus qui s'était fait autour de l'accord, et mis à rude épreuve l'entente tacite entre certaines provinces de ne pas se mêler des affaires des autres. Malgré les affirmations de divers dirigeants politiques voulant que l'accord du lac Meech et les débats linguistiques provinciaux n'aient rien en commun, certains établirent un rapport entre les deux dossiers et mirent l'accord

en péril. Le premier ministre du Manitoba, qui juste une semaine auparavant avait déposé à l'Assemblée législative une résolution visant à le ratifier, stupéfia le pays tout entier en la retirant. Soutenant que la décision du Québec de déroger à la Constitution et de maintenir l'interdiction contre l'affichage extérieur en anglais était contraire à l'entente, il expliqua que son dessein était d'éviter une recrudescence des débats acrimonieux qui avaient divisé le Manitoba cinq ans auparavant lorsque les obligations constitutionnelles de la province étaient en cause.

Au Nouveau-Brunswick, seule autre province à ne pas avoir ratifié l'accord, le premier ministre refusa de suivre l'exemple de son collègue manitobain et d'arrêter le processus de ratification. Cependant, son gouvernement, qui exigeait la renégociation de l'accord afin de renforcer les garanties offertes aux minorités linguistiques et de mieux assurer la prédominance de la *Charte canadienne des droits et libertés*, sembla durcir sa position à cet égard.

Conscients avant tout du fait que l'entente du lac Meech reconnaît de façon explicite notre dualité linguistique, nous l'avons appuyée l'an dernier en la qualifiant de « grand pas en avant ». Nous l'appuyons toujours. Nous n'avons pas remis en question la notion que le Québec forme une « société distincte » parce que nous voyons là le moyen d'assurer son retour dans le giron constitutionnel. Il nous semblait cependant que l'engagement de « protéger » les minorités de langue officielle — le seul sans doute possible alors — ne constituait pas une sauvegarde suffisante et efficace. Nous croyons que l'asymétrie entre la promotion d'une société distincte au Québec et la simple protection de la dualité linguistique ailleurs au Canada risquait de nuire à l'équilibre linguistique du pays. L'accord du lac Meech porte sur nombre d'autres questions qui ne relèvent pas de notre compétence, mais dont les incidences sur le sort de cette entente peuvent être fort importantes. Le talent de négociateur et la sagacité des divers intéressés nous incitent à penser qu'on aboutira à une solution viable. Pour ce qui est des aspects du dossier qui nous intéressent, nous espérons qu'ils tiendront compte des soucis que nous avons exprimés et qui sont partagés par bon nombre de nos concitoyens.

Le libre-échange

L'Accord de libre-échange, qui a acquis force de loi à la toute fin de l'année, a fait l'objet d'un débat passionné durant la campagne électorale fédérale alors que les Canadiens s'efforçaient de comprendre et d'évaluer les effets à long terme d'un accord si complexe. En plus de s'inquiéter de savoir si cet accord allait être fondamentalement bon ou mauvais pour le Canada, on se demandait s'il allait mener à une simple harmonisation dans certains domaines ou s'il n'annonçait pas plutôt le début d'un nouveau continentalisme.

Du point de vue historique, ce n'est pas la première fois que les Canadiens débattent de cette question. Elle était cependant devenue brûlante, car l'interna-

tionalisation rapide des communications, du transport et des services oblige désormais tous les pays à redéfinir leur rôle au sein du marché international. Pour nous Canadiens, il nous fallait aussi nous situer clairement face à notre gigantesque voisin dans divers dossiers vitaux (songeons notamment à nos produits culturels et à notre dualité linguistique), car ses orientations et ses valeurs divergent des nôtres à plusieurs égards.

Dans ce contexte, la question linguistique devient des plus importantes. Or, elle n'a pas encore fait l'objet d'une réflexion approfondie. Si la dualité linguistique est devenue en politique canadienne un article de foi, sa concrétisation risque de devenir plus difficile sous la pression de puissantes forces continentales.

Axé essentiellement sur l'échange de biens, le commerce international s'intéresse peu aux questions linguistiques. Le droit de chaque pays de définir, y compris dans les aspects linguistiques, ses propres critères et règlements en matière d'emballage, d'étiquetage et autres, n'est pas l'objet de contestation. C'est pourquoi, selon nous, la mise en œuvre du traité avec nos voisins ne devrait guère menacer les lois canadiennes touchant l'emballage bilingue. Par contre, nous n'avons pu refréner une certaine inquiétude en apprenant que le ministère des Transports envisageait d'assouplir ses exigences en matière d'étiquetage bilingue dans le domaine de l'importation des voitures usagées.

Cela dit, le véritable défi se posera dans des zones encore mal définies comme la libéralisation des échanges de services et les règles gouvernant l'investissement et la mobilité de la main-d'œuvre. L'énorme différence de taille entre le marché francophone canadien, concentré surtout au Québec, et le marché surtout anglophone de l'Amérique du Nord aura des effets inévitables, mais encore imprévisibles, sur la vie linguistique des Canadiens. Les dispositions visant la protection de la langue française et l'essor des minorités nationales devront être constamment examinées et ajustées à mesure que le libre-échange s'accroît et que ses règles se clarifient. En ce domaine, nous ne pouvons nous en remettre au hasard ni faire aveuglément confiance à des négociateurs qui n'auraient pas nécessairement étudié à fond les conséquences linguistiques imprévues de certaines décisions.

Parmi les secteurs névralgiques, signalons le rôle des logiciels dans les services d'information ; la question de la définition du terme subvention (les négociations à ce sujet doivent se terminer en 1992) ; l'harmonisation des normes et l'accréditation des services professionnels. De plus, comme nous le suggérions l'année dernière, il pourra s'avérer nécessaire de mettre au point des dispositions nationales et internationales pour contrebalancer quelques-uns des effets de l'accord sur la langue et la culture françaises au Canada et surtout au Québec. L'exemption accordée aux industries culturelles ne constitue pas nécessairement une protection suffisante contre les effets secondaires qui pourraient survenir dans ces domaines.

Le gouvernement a commandé des études et créé une commission regroupant des personnalités de premier plan en vue d'aider les Canadiens à se préparer à faire face aux éventuels problèmes que posera l'entente. Ce sont les risques de perturbations économiques qui préoccupent avant tout la plupart des gens ; il n'en reste pas moins important à nos yeux de réfléchir aux effets du libre-échange sur nos deux communautés linguistiques et sur l'équilibre délicat qui existe entre elles.

La télédiffusion

Longtemps attendu, le projet de *Loi sur la radiodiffusion* (C-136) a été finalement soumis à la Chambre des communes en juin dernier accompagné d'un énoncé de politique. Bien que le projet de loi soit mort au feuilleton à la dissolution de la Chambre en septembre, les discussions qu'il a engendrées sur la souveraineté culturelle du Canada ont souligné le rôle de premier plan de la radiotélévision à cet égard. Tout en affirmant le caractère public de notre système de télédiffusion et en incitant les producteurs privés à offrir plus d'émissions canadiennes, la politique proclamait l'importance fondamentale de Radio-Canada comme vecteur principal de l'expression culturelle canadienne. Elle reconnaissait par ailleurs la spécificité de l'industrie et du marché radiophoniques et télévisuels de langue française et, corrélativement, le caractère distinct des services français et anglais de Radio-Canada. Après avoir défini le nouveau mandat de la Société, l'énoncé de politique indiquait que Radio-Canada verrait à cette fin ses crédits augmenter de 35 millions de dollars par an pendant quatre ans. Quant au Conseil de la radiodiffusion et des télécommunications canadiennes, son rôle de chien de garde de notre identité en programmation télévisuelle s'en trouvait renforcé. Que le projet de loi C-136 oblige la Société Radio-Canada à tenir compte des principes et objectifs de la *Loi sur les langues officielles* et à veiller à ce que sa programmation réponde aux besoins des minorités de langue officielle a beaucoup réjoui le Commissaire. Il faut espérer que ce projet de loi soit déposé de nouveau dès la reprise des travaux parlementaires. (Voir également le chapitre 3 de la partie IV.)

L'identité canadienne

L'accord du lac Meech, les nouvelles lois sur les langues officielles et sur le multiculturalisme, l'Accord de libre-échange, l'examen d'un projet de *Loi sur la radiodiffusion* : voilà autant d'initiatives qui demeureront des défis pour notre pays et qui toucheront sans nul doute chacun d'entre nous dans notre vie quotidienne. Elles ne manqueront pas d'avoir d'importantes répercussions sur notre avenir et notre société en général. Pour atteindre les objectifs qu'elles visent, nous serons inévitablement appelés à résister à des influences centrifuges réelles ou virtuelles et à affirmer une fois de plus notre engagement envers les valeurs linguistiques et culturelles qui nous rapprochent en tant que Canadiens. Nous devrons mettre au point de nouveaux moyens pour promouvoir notre spécificité et notre identité. Dans cette optique, nous devons nous assurer que nos organismes culturels fédéraux, la Société Radio-Canada, l'Office national du film, le Centre national des arts, le Conseil des arts du Canada pour n'en nommer que quelques-uns, bénéficient de l'appui qui leur permettra de s'acquitter de leurs

mandats national et régional respectifs. Il importe que ces institutions puissent non seulement montrer aux Canadiens, dans les deux langues officielles, qui ils sont, mais les rendre fiers de ce qu'ils sont.

Le Comité mixte permanent des langues officielles

Plusieurs membres du Comité mixte permanent des langues officielles ont participé très activement aux travaux du Comité législatif des Communes et à ceux du Sénat sur le projet de loi C-72, si bien que l'activité régulière du Comité mixte en a été réduite en 1988, se limitant à trois séances, dont deux furent consacrées à la préparation de ses propres travaux et à l'adoption d'un budget.

Lors de la troisième séance, le Secrétaire d'État, M. Lucien Bouchard, fit un exposé sur les accords fédéraux-provinciaux de financement des programmes de langues officielles. Interrogé sur le fait que les communautés francophones hors du Québec semblent présentement avantagées par rapport aux collectivités anglophones du Québec, le Ministre a répondu que cette situation s'expliquait par la plus grande dispersion des premières. La même raison, a-t-il souligné, explique l'octroi de subventions plus importantes à l'association régionale anglo-québécoise de la Gaspésie (CASA) parce que cette dernière se trouve dans une situation comparable à celle des minorités francophones hors du Québec.

On se souviendra que le cinquième rapport de 1987 du Comité mixte avait recommandé au gouvernement d'adopter une politique et d'émettre des directives précises pour que les grandes manifestations d'envergure nationale auxquelles il accordait des crédits reflètent la dualité linguistique du pays. Plusieurs députés avaient alors été troublés par le fait qu'on n'avait pas prévu la télédiffusion complète en français des Jeux olympiques d'hiver de Calgary partout au Canada. Si les compromis qui ont finalement été adoptés lui ont semblé acceptables, le Comité n'en tenait pas moins à s'assurer que pareille situation ne se reproduirait plus.

Dans sa réponse de mai 1988, le ministre d'État au Conseil du Trésor, M. Douglas Lewis, a rappelé les politiques et les directives gouvernementales en la matière, lesquelles obligent les ministères et organismes qui accordent des subventions à exiger des bénéficiaires de leur aide (organismes non gouvernementaux et à but non lucratif) qu'ils offrent le service au public dans les deux langues officielles. Il signalait en outre son intention de sensibiliser davantage ses collègues à la politique gouvernementale en ce domaine — ce qu'il fit en août — en leur demandant de veiller à ce que toutes les sociétés d'État relevant de leur compétence en assurent scrupuleusement le respect. Enfin, il déclarait que le Conseil du Trésor recommanderait aux administrateurs généraux des ministères et organismes de lier leur aide à l'observance des principes directeurs touchant l'emploi des langues officielles dans les manifestations d'envergure nationale et à mettre en place les contrôles appropriés.

Il faut se réjouir que le Comité mixte ait reçu un engagement si ferme de la part du Ministre. Le Commissariat aux langues officielles a pour sa part mené une

étude sur ce dossier en 1987 et 1988, dont nous exposons les résultats au chapitre 3 de la partie II.

Le rendement fédéral

Le ministère de la Justice, le Secrétariat du Conseil du Trésor et le Secrétariat d'État méritent des éloges pour avoir veillé, cette année, à ce que la nouvelle *Loi sur les langues officielles* émerge clarifiée et améliorée des débats parlementaires. Cela dit, il nous faut apprécier le rendement du gouvernement en 1988 non seulement en fonction des efforts qu'il a déployés pour répondre aux exigences de la nouvelle loi, mais également à celles de l'ancienne, dont les principes étaient essentiellement les mêmes.

À cet égard, — du moins en ce qui concerne le Secrétariat du Conseil du Trésor — l'année 1988 n'a apporté qu'un certain nombre d'éléments nouveaux et du reste valables. Plusieurs projets ont cependant été réalisés : l'élaboration de directives (malheureusement incomplètes) pour la rédaction de lettres d'entente ; la signature de tels lettres avec quatre organismes ; la distribution et l'installation de nouveaux pictogrammes touchant la langue de service ; la mise à jour d'un répertoire des bureaux fédéraux offrant un service dans les deux langues officielles ; enfin, la diffusion élargie d'un guide sur l'organisation et la présidence de réunions bilingues. Le Secrétariat a organisé par ailleurs des réunions avec des gestionnaires fédéraux pour leur expliquer la portée et les incidences de la nouvelle loi.

La question de l'imputabilité en matière linguistique soulève des défis de taille dans une Fonction publique fédérale qui se fait de plus en plus complexe. Le régime d'accroissement des pouvoirs et responsabilités ministériels (APReM) constitue la dernière d'une longue série de tentatives visant à dompter une bureaucratie tentaculaire. L'un de ses aspects importants — qu'on espère efficace — repose sur les lettres d'entente entre les sous-ministres, les dirigeants d'organismes et le Secrétaire du Conseil du Trésor qui accordent aux questions linguistiques une place de premier plan. En abordant la question de l'imputabilité dans notre Rapport annuel de 1986, nous soulignions que l'appréciation de quelque régime que ce soit en ce domaine ne pouvait se fonder que sur des résultats concrets. Or, au moment d'écrire ces lignes, on n'avait signé que quatre lettres d'entente alors que douze autres étaient en cours de négociation. Pour ce qui est des autres ministères et organismes, le Conseil du Trésor recevait leurs rapports et leur suggérait, le cas échéant, des moyens d'améliorer leur rendement linguistique. Ce qui nous a frappés le plus jusqu'ici au sujet de tout ce processus, mis à part sa lenteur, c'est le besoin d'une plus grande précision. Les objectifs définis dans les lettres d'entente doivent l'être de façon plus rigoureuse afin de permettre une évaluation précise des résultats au moyen d'indices de rendement et de mécanismes de contrôle. Les plaintes que nous avons reçues et nos propres vérifications nous amènent à douter de l'efficacité pratique du système actuel.

Le Secrétariat d'État, quant à lui, s'est montré beaucoup plus actif. Au premier rang de ses réalisations vient la signature d'un nouveau protocole d'entente fédéral-provincial sur les langues officielles dans l'enseignement, prévoyant l'octroi de 145 millions de dollars supplémentaires, sur une période de cinq ans, et la négociation d'ententes-cadres sur les langues officielles, notamment avec la Saskatchewan et l'Ontario. Soulignons ici les mesures prises par le Secrétariat pour coordonner l'apport des autres ministères et organismes fédéraux au développement des minorités francophones et anglophones du pays et à la promotion de nos langues officielles. Il a par exemple conclu en juin dernier un accord avec le Conseil des Arts pour assurer la complémentarité de l'aide offerte par les différents organismes fédéraux aux troupes de théâtre professionnelles des communautés minoritaires. Parallèlement, il a travaillé de concert avec le ministère des Communications à assurer la création de radios communautaires. D'autres projets sont à l'étude. Reste à voir jusqu'où le Secrétariat pourra se rendre dans cette voie prometteuse, compte tenu du fait qu'il ne dispose que de modestes ressources humaines en région pour s'acquitter de tâches beaucoup plus nombreuses.

D'après l'article 43 de la *Loi sur les langues officielles*, le Secrétaire d'État du Canada doit prendre les mesures qu'il estime indiquées « pour encourager le public à mieux accepter et apprécier le français et l'anglais ». Cela suppose, à notre sens, la création de programmes de communication soutenus ayant pour but de fournir aux Canadiens une information exacte et pertinente sur l'importance, pour nos valeurs nationales, de la dualité linguistique. Les efforts du Secrétariat à ce chapitre ont été beaucoup trop modestes. Nous avons besoin d'initiatives novatrices, concrètes et systématiques pour expliquer la nécessité de promouvoir nos langues officielles et d'assurer une réforme réelle et visible.

Même si certains organismes centraux n'ont pas fait preuve d'un esprit d'entreprise excessif en 1988, les ministères fédéraux ont dans l'ensemble fait assez bonne figure. Nous avons été heureux de constater que plusieurs avaient élargi le concept de service au public au-delà des exigences théoriques (postes, affichage et imprimés bilingues) pour accorder une attention particulière à l'offre active de services aux minorités linguistiques, exigée par la nouvelle loi. Cependant, le nombre élevé de plaintes que nous recevons indique que d'importants progrès restent à accomplir. Non seulement y a-t-il un réel besoin de contrôles plus rigoureux concernant la prestation systématique de services bilingues, mais encore faut-il examiner la répartition et la concentration des postes à la lumière des faiblesses évidentes de la capacité bilingue dans la plupart des régions où les effectifs minoritaires sont réduits. D'autre part, nous ne pouvons dire qu'un même esprit d'initiative se soit manifesté pour accroître les possibilités toujours limitées d'utiliser le français au travail. Nous n'entendons pas par là que la situation de la langue de travail soit partout morose ni que de nombreux gestionnaires n'aient pas fait de sérieux efforts pour améliorer la situation. Mais avant de pouvoir atteindre un meilleur équilibre dans un proche avenir, d'autres

efforts devront être consentis. S'assurer d'un taux de participation satisfaisant dans chaque organisme fédéral et par catégorie d'emploi, tout en gardant à l'esprit le principe de mérite et des variables comme le mandat et le public des organismes et l'emplacement de leur bureau, constitue un problème d'une grande complexité, surtout en période de réduction des effectifs. L'expérience nous a appris qu'il n'y a pas de remèdes faciles en ce domaine délicat. L'une de nos principales inquiétudes provient d'ailleurs du fait que l'expérimentation est trop fréquente et la planification trop rare.

Enfin, il existe un domaine d'activité qui nécessite toujours une attention particulière à cause de ses répercussions considérables sur les services bilingues. La privatisation (de même que la « provincialisation » ou la « municipalisation »), en tout ou en partie, d'un organisme fédéral peut diminuer l'engagement d'offrir les services en français et en anglais. Le gouvernement a décidé d'examiner pour chaque cas les effets de la privatisation sur les langues officielles. Dans le cas d'Air Canada, par exemple, il a décidé de réitérer dans la loi pertinente toutes les obligations imposées par la *Loi sur les langues officielles* tandis que dans le cas des hôtels du CN, il s'est contenté d'un contrat en vertu duquel les nouveaux propriétaires s'engagent à maintenir les services bilingues offerts par le passé. Or, il est très difficile de vérifier la mise en œuvre d'une telle disposition. Nous ne savons pas encore quelle décision sera prise à l'égard des aéroports. Nous persistons à croire que le processus de privatisation doit absolument comporter, dans chaque cas, l'examen approfondi des conséquences linguistiques.

Les droits des minorités

Les provinces à majorité anglophone

Pendant que le gouvernement fédéral se hâtait lentement cette année à consolider notre édifice linguistique essentiellement grâce à une ample et généreuse refonte de la *Loi sur les langues officielles* ; tandis que le Yukon prenait des dispositions reconnaissant le fait que le français et l'anglais sont les langues officielles du Canada et en tirait les conséquences sur son territoire; alors que l'Ontario poursuivait diligemment la voie qu'elle s'était tracée pour la mise en œuvre de sa *Loi sur les services en français* ; et, enfin, que le Nouveau-Brunswick introduisait une politique nouvelle, bien qu'incomplète, sur la mise en œuvre de ses lois linguistiques, d'autres gouvernements posaient des gestes qui ont été jugés sévèrement. Ainsi, réagissant à la décision de la Cour suprême du Canada dans l'affaire Mercure, la Saskatchewan et l'Alberta se sont interrogées tour à tour sur la place que devait occuper le français dans leurs assemblées législatives et devant leurs tribunaux. L'une et l'autre décidaient de se soustraire, à des degrés différents, aux obligations imposées par l'article 110 de l'ancienne *Loi sur les territoires du Nord-Ouest*, celles-là mêmes qui constituent depuis toujours le fondement historique d'un bilinguisme québécois qui va bien au-delà de ces dispositions techniques. Elles choisirent d'émonder leur arbre constitutionnel de certaines branches linguistiques jugées trop encombrantes et cela malgré l'engagement qu'elles avaient pris toutes deux de protéger leurs minorités de langue officielle en ratifiant l'accord du lac Meech.

Tout en reconnaissant le droit d'utiliser le français à l'Assemblée législative et devant les tribunaux, la Saskatchewan proposait, sans prendre d'engagement précis, de ne traduire que certains documents législatifs. L'Alberta pour sa part consacrait l'utilisation exclusive de l'anglais pour les textes législatifs, sauf exception expresse par résolution de l'Assemblée. Elle admettait cependant que les députés puissent s'exprimer dans l'une ou l'autre langue officielle et que le français puisse être utilisé oralement devant certains tribunaux. La Saskatchewan compensait en quelque sorte l'effritement des droits linguistiques historiques des Fransaskois en acceptant de signer avec le gouvernement fédéral une importante entente-cadre et des ententes auxiliaires sur la promotion des langues officielles. Bien sûr, beaucoup dépendra de l'ardeur que l'on mettra à les appliquer. L'Alberta, par contre, se montrait peu empressée à accepter de semblables offres. Elle devrait à notre avis saisir la main que lui tend le gouvernement du Canada et donner aux Franco-Albertains une plus grande reconnaissance formelle des services essentiels en français, notamment en matière d'éducation.

L'article 23 de la *Charte canadienne des droits et libertés* qui garantit aux parents de la minorité linguistique officielle d'une province le droit de faire instruire leurs enfants dans leur propre langue a été proclamé depuis plus de six ans. C'est un article réparateur conçu expressément pour corriger les injustices du passé. En 1988, ce droit est loin d'être pleinement reconnu dans la plupart des provinces et territoires. À l'extérieur du Québec, du Nouveau-Brunswick et de l'Ontario, les gouvernements provinciaux se contentent trop souvent d'attendre que les tribunaux leur disent quoi faire. Pourtant les tribunaux se sont prononcés plus d'une douzaine de fois et l'examen de la jurisprudence laisse voir un vaste consensus sur l'objet de l'article 23. D'ailleurs, la Cour suprême doit trancher la question en 1989 après son examen de l'affaire Bugnet (Alberta). Cette inertie relative de plusieurs provinces est d'autant plus offensante pour la minorité qu'elle coïncide avec leur acceptation, dans l'accord du lac Meech, de protéger la dualité linguistique du Canada. Comment peut-on prétendre sauvegarder nos minorités de langue officielle en ne prenant pas des moyens concrets pour assurer à leurs enfants une éducation efficace dans leur langue ? Il est grand temps de mettre de l'ordre dans tout cela. Après tout, la planification administrative et pédagogique ne dépend pas d'un tribunal mais de la volonté et du leadership de nos élus. En somme, la plupart des minorités francophones viennent de bien loin et ne sont pas encore arrivées. Pour ce qui est des services offerts à leurs minorités, s'il y a eu au cours des années des progrès sensibles au Nouveau-Brunswick, en Ontario et dans une moindre mesure au Manitoba, les autres provinces en sont encore aux balbutiements. La Commission nationale des parents francophones s'emploie avec un appui très largement accru du Secrétariat d'État à assurer des progrès dans ce domaine.

Le Québec

Certains propos du Commissaire aux langues officielles publiés dans son Rapport annuel 1987 sur la vitalité du français au Québec et son rapport avec le traitement de la langue anglaise suscitèrent une vive controverse. L'Assemblée

nationale du Québec et le caucus québécois du parti progressiste-conservateur dénoncèrent ces propos. Le Commissaire avait pour sa part déploré avant même ces prises de position ce qu'il considérait être un malentendu résultant largement de la publication d'un sommaire officiel qui rendait mal compte de la phrase contestée. Il souligna de plus son droit et son obligation de prêter à la minorité anglophone du Québec une oreille compatissante comme il le fait pour les autres groupes minoritaires du pays.

On trouvera à la partie IV une description de l'évolution de plusieurs dossiers linguistiques au Québec. Qu'un rappel nous soit permis avant d'aborder l'événement dominant de la fin de 1988. Comme nous l'avons souvent écrit, il existe d'importantes asymétries entre les minorités francophones et anglophones. Bien peu d'observateurs informés pourraient nier que la langue française, minoritaire au Canada et encore plus en Amérique, ne soit sérieusement menacée. Elle l'est dans sa qualité (de l'intérieur et de l'extérieur) et dans sa compétitivité par la prédominance de l'anglais dans les médias, par la diffusion mondiale des produits culturels, scientifiques et technologiques et en général dans les relations internationales. Elle ne l'est pas moins en raison de tendances démographiques fort inquiétantes chez les francophones que l'immigration peut difficilement compenser. C'est pourquoi la question linguistique se pose avec acuité au Québec, principal foyer de langue française sur ce continent. Il se trouve également que le Québec est la province la plus bilingue du Canada. Enfin, les francophones québécois estiment à juste titre que le Québec a traditionnellement fait preuve de plus de générosité vis-à-vis de sa minorité linguistique que ne lui en imposaient les textes constitutionnels ou législatifs. Nous avons dit et répété tout cela.

En somme, le Québec est en réalité dans une situation unique : c'est la seule province du Canada qui abrite deux minorités, l'une nationale, l'autre provinciale. Par contre, la langue anglaise n'y est pas menacée, ce qui ne veut pas dire que la communauté qui la parle, quelles qu'en soient les raisons, ne le soit pas. Elle éprouve de sérieux problèmes souvent liés eux aussi à une démographie naturellement faible et encore affaiblie par l'exode des 15 dernières années et le ralentissement des apports extérieurs. Et lorsque nous parlons d'asymétrie et que nous hasardons des comparaisons, n'oublions pas que cette communauté reconnaît et partage de plus en plus les aspirations du Québec contemporain.

La Cour suprême du Canada dans des jugements rendus le 15 décembre 1988 déclarait inconstitutionnels et inopérants certains articles de la *Charte de la langue française* portant sur l'affichage public et commercial et les raisons sociales, essentiellement à cause de leur incompatibilité avec le respect de la liberté d'expression. Ce faisant, la Cour suprême confirmait globalement les jugements antérieurs des cours québécoises quant à l'interprétation de la *Charte québécoise des droits et libertés de la personne* et de la *Charte canadienne des droits et libertés*. La Cour innovait en confirmant clairement la compétence

législative du Québec en matière linguistique et en reconnaissant explicitement la légitimité de protéger la langue française et de préserver un visage linguistique français au Québec. Elle admettait en outre que le pouvoir politique puisse exiger non seulement la présence du français dans l'affichage mais sa nette prédominance. La doctrine dite de la nette prédominance était ainsi énoncée clairement pour la première fois. Elle laissait au gouvernement du Québec le soin de définir les modalités d'application du jugement en reconnaissant la possibilité de recourir à une clause dérogatoire.

Réagissant aux jugements de la Cour suprême, l'Assemblée nationale adoptait quelques jours avant Noël un projet de loi modifiant la *Charte de la langue française*. Cette loi, qui comporte une clause dérogatoire, maintient l'interdiction de l'affichage extérieur en d'autres langues que le français, tout en permettant dans certaines conditions l'affichage en d'autres langues à l'intérieur des commerces, pourvu que le français y reste prédominant. Des règlements viendront préciser les modalités d'application de ces principes.

En expliquant pourquoi il recourait à une telle clause, le premier ministre Bourassa a déclaré avoir pris sur le plan des principes une décision extrêmement difficile. S'adressant aux Anglo-Québécois au cours des débats de l'Assemblée nationale sur le projet de loi, M. Bourassa expliquait :

> « Mon gouvernement leur demande, comme je l'ai dit, une immense concession pour des raisons de principe. Je leur demande en pratique de comprendre la position, de comprendre la situation unique du Québec en Amérique du Nord et de comprendre que je dois prendre une décision pour protéger la culture française qui est un atout non seulement pour le Québec, mais aussi pour le Canada. Si le Canada est un pays original sur notre continent, c'est grâce à la force de la culture française, et si je veux que la culture française garde sa force dans cette province, c'est que je travaille, en même temps, pour la force du Canada. » [Notre traduction]

En arrêtant son choix, le gouvernement du Québec a soupesé l'opposition manifestée à tout affaiblissement du régime linguistique imposé par la *Charte de la langue française*, l'appui général donné par la population québécoise francophone aux grandes lignes de la loi 101 et l'inquiétude grandissante de nombreux francophones au sujet de l'avenir de leur langue tant au Québec que dans le reste du Canada. Il a donc fait un choix qui lui apparaissait comme un compromis, avec les avantages et les inconvénients que cela peut comporter. Il a formé le vœu que le renforcement de la sécurité culturelle québécoise puisse un jour permettre à la province de se dispenser du recours à la clause dérogatoire, voire de reconsidérer l'opportunité de l'aspect restrictif des mesures annoncées à l'égard de l'anglais.

Le Parti québécois pour sa part n'acceptait pas ce compromis et demandait la restauration intégrale de la loi 101. Le porte-parole de l'opposition, M. Guy Chevrette, déclarait :

> « Je rappellerai à nos concitoyens que nous avons eu un jugement de la Cour suprême, que le plus haut tribunal, dit-on, du pays dit que la langue française est vulnérable au Québec. Ce jugement de la Cour suprême nous dit également qu'avec une clause « nonobstant », une clause dérogatoire, on peut restaurer la loi 101 qui a assuré aux Québécois, à l'ensemble du peuple francophone, une paix linguistique au Québec depuis 11 ans, et ça c'est dans le jugement de la Cour suprême de façon très explicite. »

Au Québec, la plupart des éditorialistes francophones ont mal accueilli le jugement de la Cour suprême et approuvé la décision du gouvernement du Québec de recourir à une clause dérogatoire. Par contre, les avis étaient assez partagés sur la valeur du compromis proposé[1]. Il s'en trouva néanmoins qui acceptèrent l'arrêt de la Cour. Ce fut le cas notamment du directeur du *Devoir*, M. Benoit Lauzière, qui écrivit :

> « Le visage linguistique évoque manifestement une dimension symbolique et affective lourde, mais c'est dans la tête et dans tout le corps que ça doit se passer et pas seulement dans le visage. Par ailleurs, le fait d'avoir d'autres traits dans un visage visiblement francophone serait-il une négation de ce que nous sommes, ou au contraire une meilleure expression ? »

Les communautés de langue anglaise du Québec ont très mal réagi à l'adoption du projet de loi 178. Trois des quatre ministres anglophones dans le cabinet Bourassa démissionnèrent. Le ministre de l'Environnement, M. Clifford Lincoln, dans un discours à l'Assemblée nationale, exprimait le sentiment de la plupart des Anglo-Québécois :

> « Je pense que le visage linguistique du Québec, comme l'ont dit les juges de la Cour suprême, doit refléter la réalité du Québec. La réalité du Québec, c'est en grande majorité francophone. Chicoutimi ne va jamais changer. Montréal, dans son rôle le plus gros, ne va jamais changer. Mais il y a aussi des endroits où les anglophones vivent. Eux aussi ont le droit d'avoir leur langue quelque part à l'extérieur pour pouvoir se sentir valorisés dans leur peau. »

Le président d'Alliance Québec, M. Royal Orr, a pour sa part qualifié l'adoption de la Loi de jour sombre pour les Québécois et a indiqué que son association continuerait à lutter pour le respect des droits des Anglo-Québécois tout en cherchant à renouer le dialogue avec ses compatriotes francophones.

Alors que certains porte-parole des communautés francophones hors du Québec ont dit comprendre la décision du gouvernement du Québec, d'autres ont déclaré

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[1] Au moment d'aller sous presse, nous prenions connaissance également de la position nuancée de l'éditorialiste Jean Paré dans *L'Actualité* (février 1989) : « Mais surtout, la solution proposée par la Cour suprême aurait apporté davantage au français et au Québec. Le paysage linguistique aurait rendu évident, de la façon la plus éloquente, que le français est la langue principale du Québec. »

qu'il eût mieux fait de promouvoir le français sans porter atteinte aux droits fondamentaux. L'opinion des médias et de la plupart des leaders anglophones au Canada était qu'il aurait mieux valu appliquer la formule de « nette prédominance » préconisée par la Cour suprême. Le recours à une clause dérogatoire a été très largement critiqué. En fin d'année, le premier ministre du Manitoba, M. Gary Filmon, retirait la motion de ratification de l'entente du lac Meech qu'il avait déposée devant l'Assemblée de sa province en rendant responsable l'adoption par le Québec de la loi 178.

Enfin, le 30 décembre, un incendie d'origine criminelle ravageait le siège d'Alliance Québec à Montréal, un organisme se consacrant par des moyens démocratiques à la défense des intérêts des Québécois de langue anglaise. Cet acte fut dénoncé par de nombreux intervenants, dont le Commissaire aux langues officielles.

Le Commissaire a exposé sa position dans ce dossier, le 20 décembre dernier, en déclarant qu'il était essentiel de veiller au respect des droits fondamentaux des minorités tels qu'ils sont définis par la Cour suprême : la nette prédominance de la langue française peut s'exprimer d'une façon qui rende superflu le recours à une clause dérogatoire. Il comprend le désarroi de beaucoup de membres de la communauté anglo-québécoise et les inquiétudes légitimes qu'ils éprouvent au sujet de leur avenir collectif. La plupart d'entre eux acceptent la prédominance du français dans tous les secteurs de la société québécoise ; ils admettent volontiers que la survie et l'épanouissement de leur langue qui occupe une large place dans l'espace hertzien et dans les communications ne sont menacés ni au Canada ni au Québec. Ce qu'ils n'admettent pas, c'est que cette langue doit trouver refuge à l'intérieur des commerces.

Pour un pays qui s'est voué solennellement à la protection des droits de ses minorités de langue officielle, qui s'était engagé à conjurer le péril de la polarisation linguistique, 1988 aura été une année amère. Les Canadiens ont découvert avec étonnement que la crise linguistique qui faisait rage il y a plus de 20 ans n'est pas entièrement résolue. Nous savons, plus clairement qu'auparavant, jusqu'à quel point la coexistence entre les communautés francophones et anglophones du Canada reste fragile et que la dénatalité, l'immigration et la perspective d'une érosion progressive de la langue française sur notre continent pèsent lourd dans la balance. Il est donc important de veiller à la sécurité linguistique des francophones du Québec et du reste du Canada. Mais nous la croyons compatible avec le respect intégral des droits fondamentaux de tous les Canadiens. Notre vouloir-vivre collectif triomphera-t-il de nos divisions ? Si nous accordons aux droits linguistiques toute l'importance voulue, il est probable que nous y parviendrons.

La progression vers l'égalité

Sur le plan constitutionnel, seuls le gouvernement fédéral et celui du Nouveau-Brunswick ont reconnu, à l'article 20 de la *Charte canadienne des droits et libertés*, le droit du public à l'emploi du français et de l'anglais pour

communiquer avec les organismes gouvernementaux. Pourtant, s'il y a un domaine, à part ceux de l'éducation et des tribunaux, où un consensus en matière de langues officielles semble possible, c'est bien celui de la prestation des services aux communautés minoritaires. La reconnaissance d'un droit à des services n'implique pas nécessairement le bilinguisme d'apparat qu'entraîne aux yeux de certains la reconnaissance du français et de l'anglais comme langues officielles sur le plan provincial. Nous proposons à ce sujet au gouvernement fédéral et aux provinces d'examiner au cours d'une prochaine conférence constitutionnelle une formule visant à appuyer le développement des minorités linguistiques et à réduire l'écart actuel entre le statut de nos deux langues officielles en étendant la prestation de services aux minorités dans leur langue. Une telle initiative non seulement refléterait l'esprit de la nouvelle *Loi sur les langues officielles*, mais répondrait à l'appel de l'article 16(3) de la *Charte canadienne des droits et libertés* qui donne au Parlement canadien et aux législatures provinciales le pouvoir « de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais ». Signalons à cet égard que l'article 43(1)d) de la Loi confie précisément au Secrétaire d'État le mandat d'« encourager et aider les gouvernements provinciaux à favoriser le développement des minorités francophones et anglophones et notamment à leur offrir des services provinciaux et municipaux en français et en anglais et à leur permettre de recevoir leur instruction dans leur propre langue ».

La coopération fédérale-provinciale

S'employant à remplir la mission que lui a confiée la nouvelle *Loi sur les langues officielles* — favoriser l'épanouissement des communautés minoritaires et promouvoir la reconnaissance, l'apprentissage et l'usage du français et de l'anglais dans la société canadienne — le Secrétariat d'État a entrepris de négocier et de conclure des ententes-cadres avec les provinces. Un premier accord de ce genre a été signé avec le Nouveau-Brunswick en octobre 1987 et quatre autres en 1988, respectivement avec le Yukon, l'Île-du-Prince-Édouard, la Saskatchewan et l'Ontario ; ces deux dernières comportant d'importantes enveloppes budgétaires. Conformément aux nouveaux engagements du gouvernement fédéral, ces ententes visent explicitement le développement des communautés minoritaires. Elles soulignent par ailleurs le caractère complémentaire des activités fédérales et provinciales en matière de langues officielles.

Signée en juin dernier, l'entente-cadre avec la Saskatchewan constitue un modèle du genre et mérite un examen particulier. Remarquable par son ampleur et sa nature, elle établit un mécanisme formel de collaboration entre les deux gouvernements et est assortie de trois accords auxiliaires et d'une entente avec l'Association culturelle franco-canadienne de la Saskatchewan. Quelque 60 millions de dollars seront consacrés au financement de l'enseignement des langues officielles et au bilinguisme de l'Assemblée législative et des tribunaux. Elle prévoit en outre des consultations régulières avec les représentants de la communauté fransaskoise.

Voici les grandes lignes des trois ententes auxiliaires :

- L'adoption en français et en anglais dans les meilleurs délais des lois et règlements de la Saskatchewan et l'emploi du français devant les tribunaux et à l'Assemblée législative de la province. La liste des 45 premières lois à traduire est annexée à l'entente. La contribution fédérale pourrait se chiffrer à 3 250 000 $ au bout de dix ans.

- L'établissement d'un Office de coordination des affaires francophones et de la traduction. Cet organisme assurera, entre autres, la liaison avec la communauté fransaskoise et coordonnera les initiatives de la province en matière de langues officielles. Ottawa y consacrera 300 000 $ par année pendant cinq ans, puis diminuera graduellement son apport.

- La gestion et le contrôle par les francophones de leurs établissements scolaires (26 000 000 $ pour une période de dix ans). Sont également prévues des sommes pour la reconstruction du collège Mathieu à Gravelbourg (jusqu'à 4 000 000 $), pour le développement de l'éducation dans la langue minoritaire (10 000 000 $ répartis sur cinq ans) et pour la création d'un Institut de formation linguistique visant l'enseignement postsecondaire en français (17 000 000 $ pour une période de cinq ans).

Dans l'entente-cadre de 17 millions de dollars qu'il a conclu avec l'Association culturelle franco-canadienne de la Saskatchewan, le gouvernement fédéral s'engage à promouvoir l'essor de la communauté fransaskoise dans neuf domaines prioritaires d'activité. L'entente insiste sur la mise au point d'une approche globale pour tous les ministères et organismes fédéraux dans leurs efforts visant le développement de la communauté fransaskoise. Concertation interministérielle à l'échelon fédéral et coopération fédérale-provinciale au service des minorités francophones et anglophones correspondent fort bien aux concepts qualitatifs et quantitatifs de la nouvelle *Loi sur les langues officielles*. Elles reflètent également la vision que le Premier ministre décrivait à ses collègues du Cabinet en juillet 1987 :

> « Je tiens à souligner en particulier que le gouvernement s'est engagé à favoriser l'épanouissement et à appuyer le développement des minorités francophones et anglophones au Canada. Il est donc primordial que tous les ministères et organismes fédéraux contribuent au développement et à l'épanouissement de ces communautés minoritaires et qu'ils tiennent compte de leurs besoins et intérêts dans l'élaboration de leurs politiques et la mise en œuvre de leurs programmes. »

Mais de la signature d'un accord à sa mise en œuvre, la voie peut être longue et tortueuse. Déjà les Fransaskois s'inquiètent de certaines interprétations qui à leurs yeux dénaturent l'accord et déplorent des lenteurs. Faisons pour le moment le pari de l'optimisme.

L'entente-cadre Canada-Ontario conclue à la fin de novembre vise notamment à permettre à la province d'offrir à sa communauté francophone des services de qualité dans sa langue. La contribution fédérale, qui était de 2 370 375 dollars en 1987-1988 sera de 1 888 688 dollars en 1988-1989. Ces sommes serviront à financer une vaste gamme de projets, dont des études sur les besoins en matière de garderies et de main-d'œuvre francophone dans le domaine de la santé. Elles doivent également servir à accroître le nombre, la qualité et la portée des programmes scientifiques destinés aux francophones qui visitent le musée Science Nord. Nous apprenions également au moment d'aller sous presse qu'une entente auxiliaire de 100 millions de dollars, à frais partagés, venait d'être conclue pour la création d'un collège de langue française d'arts appliqués et de technologie dans la région d'Ottawa d'ici 1990, les installations nécessaires devant être achevées pour septembre 1992.

Comme on peut le constater, les choses avancent et témoignent des mérites de cette approche stratégique. Mais il reste énormément à faire pour qu'elle donne des résultats tangibles, aussi bien à l'échelle régionale que nationale, surtout dans les domaines de l'éducation, des communications, de la culture, de la santé, des services sociaux et de la justice. L'appui actif de la population et en particulier des communautés minoritaires sera essentiel à son succès. Le Secrétariat d'État discute présentement avec le Québec, l'Alberta, le Manitoba et la Nouvelle-Écosse de l'opportunité de pareilles ententes. Souhaitons, ne serait-ce que pour donner tort aux Cassandres, que ces pourparlers portent des fruits dans les plus brefs délais.

Il convient de mentionner ici que le Québec annonçait au printemps 1988 son intention d'accroître son aide aux minorités francophones hors du Québec, qui passera de 1 million de dollars en 1987-1988 à 2,5 millions de dollars en 1988-1989.

L'enseignement des langues secondes

La *Loi sur les langues officielles* de 1988 mentionne expressément l'engagement du gouvernement fédéral à encourager et appuyer l'apprentissage du français et de l'anglais. Cela traduit en termes clairs l'un des principaux objectifs du Programme des langues officielles dans l'enseignement du Secrétariat d'État qui est de multiplier les possibilités d'apprentissage de la langue seconde pour les deux groupes linguistiques. Si les programmes traditionnels d'enseignement de la langue seconde continuent bon an mal an à offrir aux écoliers une formation de base, la croissance des programmes immersifs en français (241 140 inscrits) prouve que beaucoup de parents anglophones y voient pour leurs enfants un atout culturel et économique important. Bon nombre de ces parents concrétisent leur engagement au sein de la Canadian Parents for French (CPF). Cette association bénévole nationale, tout en se consacrant à promouvoir l'accès de tous les jeunes anglophones à un enseignement du français langue seconde de qualité, défend sans relâche le droit des jeunes francophones hors du Québec à une éducation dans leur langue maternelle en conformité avec l'article 23 de la *Charte*

canadienne des droits et libertés. Malheureusement, les ressources accordées au nouveau protocole fédéral-provincial sur l'enseignement des langues officielles ne semble pas correspondre à l'accroissement marqué de la demande en ce qui a trait à l'enseignement dans la langue minoritaire et à l'apprentissage de la langue seconde, ce qui risque de compromettre l'avenir.

Le secteur privé

Alors que la Loi de 1969 ne disait mot du rôle du secteur privé, la Loi de 1988 souligne l'engagement du gouvernement fédéral à collaborer avec les organismes bénévoles, les syndicats et les entreprises à la réalisation de l'égalité linguistique dans la société canadienne. Le Secrétariat d'État a déjà posé des jalons dans ce domaine en octobre 1988 en parrainant conjointement avec la Société canadienne des directeurs d'associations et le Commissariat aux langues officielles un colloque sur le thème « La langue des affaires, une affaire de langues ». Le colloque a réuni une soixantaine de représentants d'associations bénévoles, de syndicats, d'organisations minoritaires et d'organismes fédéraux, provinciaux et municipaux. Ces assises ont largement été consacrées à l'examen des conclusions d'une étude menée par la Société canadienne des directeurs d'associations sur les besoins de leurs membres en matière de langues officielles. Les participants ont retenu diverses recommandations, notamment celles préconisant la mise sur pied d'un centre de la langue des affaires et l'amélioration de la coordination fédérale-provinciale en matière de relations avec les secteurs privé et bénévole. Le Secrétariat d'État examine présentement les recommandations auxquelles ce colloque a donné lieu. Quant au Commissariat, il souhaite que cette rencontre donne le branle à des consultations suivies avec le secteur privé au sujet des besoins des communautés minoritaires de langue officielle.

Un Conseil canadien des langues officielles

L'un des résultats les plus intéressants de ce colloque fut l'appui que la plupart des participants ont donné à l'idée de créer un Conseil canadien des langues officielles, dont le mandat tiendrait compte du rôle des organismes bénévoles et des entreprises dans la promotion du français et de l'anglais dans la société canadienne. Proposé par le gouvernement en juin 1987 au moment du dépôt du projet de loi C-72 comme mécanisme pour le conseiller sur la promotion des langues officielles, le projet de mise sur pied d'un tel conseil demeure toujours à l'étude. Nous continuons à croire que l'idée est intéressante, car pareil conseil pourrait jouer un rôle de premier plan s'il a notamment pour mandat d'étudier des solutions pratiques aux problèmes des minorités de langue officielle. Il conviendrait bien sûr de positionner le nouvel organisme de sorte qu'il puisse se rendre utile sans faire double emploi avec des associations ou des organismes existants.

Les services municipaux

Au cours d'une année, le citoyen a de nombreuses raisons d'entrer en communication avec les autorités municipales dont les responsabilités comportent d'habitude : urgences (pompiers, police, etc.), réglementation, taxes, ramassage des ordures, assistance publique et une myriade d'autres services. C'est pourquoi nous nous réjouissons des efforts déployés en 1988 pour promouvoir la

prestation de services municipaux dans les deux langues officielles, là où ils s'imposent.

L'une des initiatives prises à cette fin fut la vaste enquête commandée par la Fédération canadienne des municipalités (FCM). Elle a comporté des études de cas dans plusieurs municipalités du Nouveau-Brunswick, du Québec, de l'Ontario et du Manitoba, et un sondage de 116 municipalités à travers le Canada. À la fin de ses travaux en 1989, la FCM entend publier avec le concours du Secrétariat d'État un guide pratique à l'intention des municipalités intéressées à offrir des services bilingues ou à en élargir la gamme. Rappelons que la Fédération a déjà fait paraître des glossaires bilingues sur la terminologie utilisée en administration municipale.

Le coût des langues officielles

Dans notre Rapport annuel de l'an dernier, nous nous étions livrés à un examen des dépenses réelles encourues pour l'ensemble des programmes de langues officielles, en dollars constants. Constatant qu'elles avaient diminué de plus de 20 p. 100 au cours des huit dernières années, nous avions exprimé la crainte que les ressources affectées aux divers programmes ne suffisent plus à la tâche. L'année 1989 marquera-t-elle l'amorce d'un virage ? Nous l'espérons de tout cœur.

Malgré des exigences plus rigoureuses, la bilinguisation de la Fonction publique n'exige pas d'augmentation spectaculaire des crédits. Un leadership plus vigoureux de la part des hauts gestionnaires et un accroissement des responsabilités des employés de tous niveaux susciteront à eux seuls une transformation profonde des comportements. Sur le plan strictement financier, des économies sont possibles, par exemple en ce qui a trait — comme nous l'avons maintes fois suggéré — à la prime au bilinguisme, qui a coûté 46 millions de dollars en 1987-1988, bien qu'elle soit de moins en moins adaptée aux besoins courants et ait peu de valeur incitative. Il importe par contre d'accroître immédiatement les ressources humaines pour les programmes visant l'amélioration de la qualité et de la régularité des services fédéraux aux minorités partout où il existe une demande importante. Comme on le verra plus loin, les plaintes que nous recevons et nos vérifications confirment que ceux-ci laissent encore beaucoup à désirer, particulièrement dans les régions périphériques. Si nous voulons convaincre nos minorités que les garanties constitutionnelles que la *Loi sur les langues officielles* de 1988 est venue expliciter peuvent effectivement améliorer leur quotidien, alors il faut résoudre ce problème et s'assurer, également, que les budgets de traduction sont suffisants.

L'article 109 de la nouvelle loi autorise le président du Conseil du Trésor à verser, pour les quatre exercices suivant l'entrée en vigueur de cet article, des crédits aux sociétés d'État pour les aider à mettre en œuvre les dispositions de la Loi. Le Conseil du Trésor leur a effectivement proposé des fonds. Par ailleurs,

25 nouvelles années-personnes ont été mises à la disposition des ministères pour aider au maintien de l'acquis en langue seconde. Malgré tout, il n'est pas évident que de telles initiatives, même soumises à un contrôle constant, suffisent à donner le coup de fouet nécessaire.

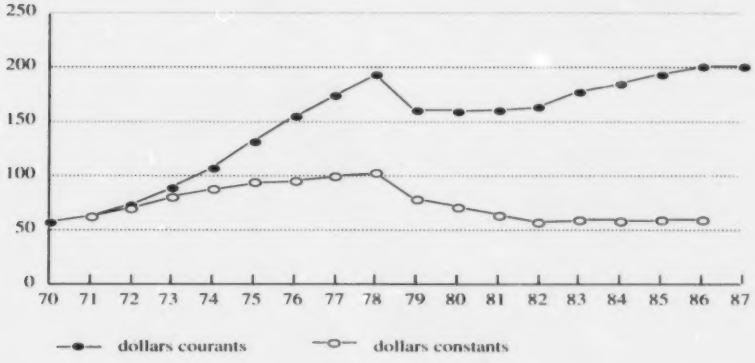
Quoi qu'il en soit, l'important en cette matière est de voir clairement ce qu'il reste à accomplir pour réaliser les objectifs de la nouvelle loi. Ensuite, il faudra planifier en conséquence et dégager les ressources nécessaires. Il ne faudra surtout pas, par souci d'économie, négliger de veiller sans cesse au bon fonctionnement d'une machine administrative qui est au service d'une entreprise nationale de première importance.

Pour sa part, le Secrétaire d'État a annoncé en juin que le gouvernement fédéral comptait affecter 195 millions de dollars de plus pendant cinq ans au Programme des langues officielles (subventions aux provinces et aux associations minoritaires et programmes d'expansion du bilinguisme). La somme de 145 millions de dollars ira au volet des langues officielles dans l'enseignement (PLOE), alors que celui visant la promotion des langues officielles (PLO) recevra 50 millions. Cela portera les dépenses consenties au titre de ces programmes au cours des cinq prochaines années à 1,4 milliard de dollars. Cette augmentation globale de 16 p. 100 sur cinq ans en dollars courants représentera vraisemblablement une augmentation pour le PLO, mais une diminution globale en valeur réelle. L'augmentation des crédits consacrés à l'enseignement des langues officielles était déjà depuis un lustre inférieure au taux annuel d'inflation (environ 4 p. 100) et à la croissance des dépenses globales du gouvernement en dollars courants (4 à 5 p. 100 par année).

Le tableau I.1 montre que les sommes versées au PLOE sont passées de 57,5 millions à 201 millions entre 1970 et 1986-1987. Cependant, lorsque l'on tient compte de l'Indice des prix dans l'enseignement (IPE), lequel mesure la hausse du prix de biens et de services représentatifs acquis par les conseils scolaires, on s'aperçoit que les ressources financières consacrées au programme n'ont connu aucune augmentation significative. Le tableau I.2 indique que si le nombre d'élèves inscrits aux programmes d'enseignement dans la langue minoritaire ou de la langue seconde est resté à peu près stable depuis la création du PLOE, les paiements formulaires, basés sur le nombre d'inscriptions, n'ont pas gardé la même valeur mesurée en dollars constants (si l'on applique l'IPE). Bref, en dollars constants, les crédits accordés pour l'année 1986-1987 étaient moindres qu'en 1970-1971. En 1986-1987, le nombre d'inscriptions avait baissé de 6,3 p. 100 comparativement à l'année 1970-1971, mais les paiements formulaires calculés en dollars constants avaient diminué de 37,8 p. 100. En toute équité, nous devons cependant mentionner que les fonds accordés par le PLOE aux projets d'expansion du bilinguisme ont augmenté de façon lente mais continue, au fil des ans. Ces tableaux ne reflètent pas parfaitement l'évolution complexe du PLOE, mais ils donnent tout de même une bonne idée des tendances qui ont marqué son financement.

Tableau I.1

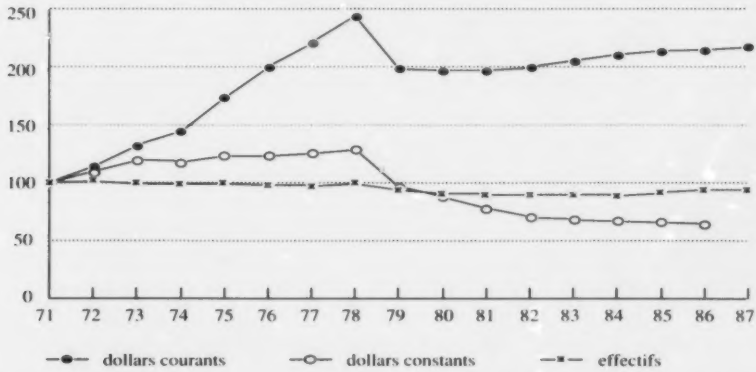
Contributions fédérales au PLOE, de 1970-1971 à 1987-1988, en dollars courants et en dollars constants ajustés à l'Indice des prix dans l'enseignement



Source : Secrétariat d'État et Statistique Canada
Numéro Cansim 005 90304

Tableau I.2

Taux de croissance des inscriptions* aux programmes d'enseignement de la langue seconde et d'éducation dans la langue de la minorité, et croissance des paiements formulaires effectués dans le cadre du PLOE de 1970-1971 et 1987-1988 en dollars courants et en dollars constants ajustés à l'Indice des prix dans l'enseignement



* Le calcul du nombre des inscriptions est basé sur l'inscription à temps plein, ce qui veut dire que les chiffres sont ajustés pour refléter, par exemple, le nombre peu élevé des heures réellement consacrées à la langue seconde par les élèves des programmes-cadres.

Source : Secrétariat d'État et Statistique Canada
Numéro Cansim 005 90304

Le nouveau protocole d'entente sur les langues officielles dans l'enseignement tend à combler les retards, mais de fait, il n'assure qu'une croissance annuelle légèrement inférieure aux taux d'inflation prévisibles. Il ne manifeste pas un solide engagement en faveur de l'expansion de l'enseignement dans la langue de la minorité ou de la langue seconde. On croit comprendre cependant que les provinces sont disposées à consentir un effort financier accru dans ces domaines. Cela est d'autant plus souhaitable que tout donne à penser que le gouvernement fédéral n'accroîtra que nominalement sa contribution financière à ces programmes tout en en modifiant les priorités et en privilégiant de nouvelles initiatives. En termes concrets, cela veut dire qu'il y aura moins d'argent pour faire face aux dépenses dites courantes.

Les priorités budgétaires du nouveau protocole nous semblent avoir été définies de façon très sensée. C'est d'abord l'enseignement à tous les niveaux dans la langue de la minorité et l'accroissement des services en français au post-secondaire qui reçoivent la plus grande attention ; les deux tiers des nouveaux crédits seraient destinés à ces fins. Même modeste, cette correction nous met sur la bonne voie. Viennent ensuite la formation des maîtres et l'apprentissage de la langue seconde. Le protocole reconnaît en plus l'importance pour chaque ordre de gouvernement de consulter les groupes intéressés. S'il est un investissement qui doive plus que tout autre contribuer à l'instauration d'un régime linguistique juste et équilibré au Canada, c'est bien l'enseignement en langues minoritaires et des langues secondes. Loin d'être une douteuse martingale, l'augmentation des crédits à cette fin serait un placement de père de famille.

Les 50 millions supplémentaires qu'on a affectés au Programme de promotion des langues officielles représentent, proportionnellement, une augmentation plus importante (38 p. 100 sur cinq ans) : il y a tout lieu de s'en réjouir. Ces fonds serviront, entre autres, à appuyer l'épanouissement des minorités de langue officielle en apportant une aide directe aux associations de parents et aux groupes communautaires ; en favorisant, par le biais d'ententes fédérales-provinciales-territoriales, la prestation de nouveaux services provinciaux et territoriaux aux communautés de langue officielle ; et en encourageant les organismes sans but lucratif, les associations nationales, etc., à accroître et à améliorer leurs services dans l'autre langue officielle.

Bien sûr, le gouvernement fédéral se doit d'accomplir des prouesses s'il veut en même temps réduire le déficit budgétaire et accroître ses dépenses dans certains domaines. Toutefois, en faisant adopter une nouvelle *Loi sur les langues officielles* qui précise et renforce les droits linguistiques des citoyens, en s'engageant à assurer l'épanouissement des collectivités minoritaires, en promettant de favoriser pour tous l'apprentissage du français et de l'anglais comme langues secondes, le gouvernement canadien a défini des priorités nationales. On s'attend donc à ce qu'il y consacre les sommes nécessaires au respect de ces engagements. Comment autrement pourrions-nous léguer à nos enfants un pays

où une meilleure connaissance de nos deux langues officielles nous permettra de mieux communiquer et nous aidera donc à vaincre nos deux solitudes ?

De la Loi au renouveau

La *Charte canadienne des droits et libertés* de même que les principes linguistiques fondamentaux de l'accord du lac Meech inscrivent la *Loi sur les langues officielles* de 1988 dans un nouveau contexte. La Charte traite des droits des particuliers et établit que chacun a le droit d'utiliser le français ou l'anglais au Parlement, devant tous les tribunaux établis par le Parlement et, compte tenu de certaines restrictions, pour obtenir les services des institutions du Parlement ou du gouvernement du Canada. L'accord du lac Meech met l'accent sur les droits des collectivités minoritaires. Il reconnaît en effet l'existence des Canadiens de langue française et de langue anglaise comme une caractéristique fondamentale du Canada et confie au Parlement et aux législatures des provinces le rôle de protéger cette caractéristique. La portée des règlements établis en vertu de la Loi doit donc être suffisamment large et généreuse pour qu'elle englobe à la fois les droits des particuliers et ceux des minorités linguistiques, et les activités de promotion entreprises doivent favoriser, dans toute la mesure du possible, la vitalité des communautés minoritaires.

Pour que la Loi atteigne son but, sa mise en œuvre doit être et paraître à la fois juste et efficace ; de plus, les organismes responsables de la réussite de l'entreprise doivent assumer pleinement leurs obligations respectives. Les principaux intervenants sont le Secrétariat du Conseil du Trésor, le Secrétariat d'État, la Commission de la Fonction publique, le Commissaire aux langues officielles et, en sa qualité de superviseur général, le Comité mixte permanent des langues officielles. Le Conseil privé, qui n'est plus nommé dans la Loi, devra continuer de jouer un rôle de premier plan dans le domaine des langues officielles comme dans tout domaine exigeant une formulation et une coordination globales des politiques. D'autre part, chaque organisme fédéral a bien entendu son rôle à jouer dans ce domaine.

La partie VI contient l'esquisse d'un plan directeur pour le renouveau du programme des langues officielles dont il est question dans les analyses, les conclusions et les recommandations énoncées tout au long du Rapport. À titre de conclusion de ce chapitre, nous présentons les recommandations suivantes.

La préparation d'un plan directeur portant sur la mise en œuvre de la Loi nous semble essentielle. Aussi recommandons-nous :

- **l'élaboration et la promulgation dans les meilleurs délais d'une réglementation reflétant la lettre et l'esprit de la Loi ;**

- **la mise au point d'un programme de communications permanent aux niveaux politique et administratif s'adressant aux Canadiens et**

Canadiennes en général et aux gestionnaires et employés fédéraux en particulier, et portant sur la philosophie, les objectifs et les modalités de la Loi, ainsi que sur les programmes qui en découlent, afin que chacun soit au fait de ses droits, de ses obligations et de la politique du gouvernement ;

- l'octroi de ressources adéquates pour les programmes de langues officielles, compte tenu de l'impératif d'une gestion économe ainsi que de la haute priorité accordée à ce domaine et des besoins pressants de certains secteurs ;

- au Secrétariat du Conseil du Trésor de prendre des mesures additionnelles pour augmenter et améliorer la responsabilité et l'obligation des gestionnaires de rendre des comptes en matière de langues officielles dans les institutions fédérales ;

- l'étude suivie par le gouvernement fédéral de l'effet de la privatisation sur la prestation de services dans les deux langues officielles et l'adoption de mesures propres à assurer le maintien des progrès enregistrés et le respect intégral des obligations linguistiques ;

- l'adoption de mesures pour appuyer les efforts des organismes fédéraux à vocation culturelle dans la protection et la promotion de l'identité et de la cohésion linguistique et culturelle du Canada ;

- l'étude suivie par le gouvernement fédéral, en collaboration avec le gouvernement du Québec et les autres parties intéressées, des répercussions progressives du libre-échange sur la langue et la culture françaises au Canada et l'adoption des mesures compensatoires qui pourraient s'imposer ;

- l'adoption de mesures pour assurer la plus grande harmonisation possible des engagements nationaux pris à l'égard des deux langues officielles et de la politique du gouvernement fédéral en matière de multiculturalisme ;

- au Secrétariat d'État d'évaluer dans un avenir prochain les suites à donner aux recommandations du récent Colloque sur le secteur privé ;

- au Secrétariat d'État de poursuivre la négociation des ententes-cadres portant sur l'épanouissement et le développement des communautés minoritaires avec toutes les provinces et les territoires, de surveiller leur mise en œuvre et d'en évaluer systématiquement les résultats ;

- au gouvernement fédéral de proposer aux provinces l'adoption, au cours d'une prochaine conférence constitutionnelle, d'une formule

visant à appuyer le développement des minorités francophones et anglophones et à réduire l'écart actuel entre le statut de nos deux langues officielles à travers le pays en étendant la prestation de services dans leur langue aux minorités.

2. La *Loi sur les langues officielles* de 1988 : sa naissance

Mil neuf cent quatre-vingt-huit fut marquée par un événement que nous attendions depuis longtemps : l'adoption de la *Loi sur les langues officielles* de 1988. La première Loi avait été adoptée en 1969, et tous reconnaissaient la nécessité de renouveler le cadre juridique qu'elle présentait. Ceci ne nous empêche pas pour autant aujourd'hui, de rendre un juste hommage à la Loi abrogée.

Il s'agissait en effet à bien des égards d'une loi révolutionnaire pour l'époque, et le fait que l'on ait retenu ses grands principes dans la Loi de 1988 constitue sans doute la meilleure preuve de sa permanence. On a maintenu les idées du statut d'égalité, d'obligations institutionnelles fermes et souples à la fois, et d'un ombudsman linguistique chargé de surveiller et d'encourager les progrès vers un idéal sans cesse renouvelé, et nous nous réjouissons de cette continuité dans la poursuite des objectifs. Mais nous sommes heureux également de constater que la nouvelle loi clarifie la vision initiale et fournit, pour sa réalisation, des outils plus nombreux et plus efficaces.

Cette nécessité de refondre la Loi s'est faite pressante depuis 1982, au moment où l'on a inscrit dans la Constitution, soit dans la *Charte canadienne des droits et libertés*, le principe du statut d'égalité du français et de l'anglais et celui du droit aux services fédéraux dans les deux langues. Les articles 16 à 22 de la Charte élèvent au rang de principes constitutionnels ces concepts fondamentaux de la *Loi sur les langues officielles* de 1969, à une différence importante près : on ajoute, à l'idée que l'importance de la demande doit justifier le service bilingue, celle de la « vocation du bureau ». C'est-à-dire que lorsqu'un service fédéral revêt pour le citoyen une importance immédiate — dans le cas, par exemple, d'un poste douanier à la frontière — on devra s'employer à offrir le service dans les deux langues, indépendamment de l'importance de la demande. Il fallait donc incorporer ce test constitutionnel à la nouvelle loi. Ainsi, à la différence de la loi précédente qui — en plus d'instaurer des districts bilingues où l'importance de la demande devait se présumer — se fondait sur les tests de la demande importante et de la faisabilité, la nouvelle loi ne recourt qu'aux critères de la demande pour un service donné et de la vocation du bureau.

De plus, aux termes de l'accord constitutionnel du lac Meech (que l'on vient de négocier, mais qui attend toujours sa ratification), la politique de protection des minorités linguistiques, jusqu'ici plutôt vague, s'est transformée en un véritable engagement constitutionnel. La nouvelle loi se devait de refléter la part du gouvernement fédéral à cet engagement et fournir à cet égard un cadre pour la coopération fédérale-provinciale.

L'an dernier, notre chapitre sur le projet de loi C-72 — comme on désignait alors la Loi — montrait une pointe d'impatience mêlée d'anxiété : nous craignions de fait que la Loi ne soit jamais inscrite parmi les lois du Canada. Le dépôt pour la première lecture avait eu lieu le 25 juin 1987, quelques semaines après la signature de l'accord du lac Meech. Puis, pour diverses raisons, le projet de loi est demeuré enlisé. Ce ne fut qu'en mars 1988, quelque neuf mois plus tard, qu'on entreprit la deuxième lecture.

Ce débat offrit aux porte-parole des trois formations politiques l'occasion de faire preuve d'éloquence : tous firent l'éloge des réformes proposées et préconisèrent la célérité dans la procédure d'adoption. La Chambre approuva à l'unanimité le principe de la Loi et en soumit l'étude à un comité législatif.

Certains membres siégeant au comité manifestèrent une grande inquiétude à l'égard du projet de loi, et surtout envers ses parties V et VI sur le droit des fonctionnaires de travailler dans leur langue et sur la participation équitable des deux groupes linguistiques. Pendant des semaines, voire des mois, ces membres exprimèrent devant le comité les inquiétudes de nombreux Canadiens anglophones pour qui le projet de loi, trop radical, risquait de restreindre les possibilités d'avancement des anglophones unilingues.

Il était sans doute inévitable que des malentendus surgissent en ce qui touche la portée de la Loi. Cependant, le scepticisme manifesté devant le comité eut par ailleurs des effets constructifs en ce qu'il permit à ceux qui appuyaient le projet de loi dans tous les partis, de même qu'aux témoins experts ou aux spécialistes comme le Commissaire, d'expliquer les intentions réelles du législateur et de dissiper les craintes mal fondées.

L'une des premières difficultés affrontées par le comité consistait à déterminer qui — en plus des ministres responsables, du Commissaire et des grandes associations de minorités linguistiques — devait témoigner devant lui. Quelque 117 groupes et particuliers avaient demandé à être entendus. Pour donner la parole à tous, il aurait fallu tenir des audiences interminables ; à l'approche d'une élection générale, le projet de loi risquait ainsi de n'être jamais adopté.

En fin de compte, le comité décida d'entendre les porte-parole de 17 groupes ou organismes. Ceux-ci représentaient une large gamme d'opinions ; on y retrouvait notamment les principaux groupes d'intérêt touchés par le projet de loi, comme

Alliance Québec et la Fédération des francophones hors Québec, qui appuyèrent tous les deux le projet de loi tout en formulant des propositions pour en améliorer la teneur. Le comité écouta également avec attention une intervention appuyée du groupe de pression représentant sans doute les adversaires les plus déterminés du bilinguisme, la Alliance for the Preservation of English in Canada.

Le ministre de la Justice, M. Ray Hnatyshyn, et le ministre d'État (Conseil du Trésor), M. Douglas Lewis, passèrent de longues heures à expliquer au comité le but et la portée des dispositions les plus importantes. Enfin, le Commissaire témoigna à deux reprises et assista également à toutes les audiences, ayant obtenu au départ le droit de prendre part à la discussion. Les membres du comité purent l'interroger, même lorsqu'il ne témoignait pas à titre officiel, et il eut la faculté de formuler des commentaires ou des propositions pour améliorer le projet de loi. Ce rôle s'explique du fait que la Loi de 1969 mandatait le Commissaire pour proposer des améliorations, et vu sa participation, à titre de conseiller, à la rédaction du texte initial du projet de loi.

Ayant consacré plusieurs semaines à écouter les opinions de spécialistes et de personnes intéressées, le comité se mit ensuite à l'étude de la Loi, article par article. Au départ, le ministre de la Justice fit comprendre que le gouvernement était généralement satisfait de son projet et qu'il n'avait aucune intention d'apporter des changements significatifs aux grands principes de l'égalité linguistique, de la protection des minorités linguistiques et du renforcement du bilinguisme institutionnel. En même temps, il se disait prêt à accepter des amendements touchant le libellé ou même le contenu du texte, pourvu qu'il s'agisse de véritables améliorations et non de tentatives visant soit à affaiblir la Loi, soit à en augmenter démesurément la portée.

Cet avertissement ne put prévenir une avalanche de propositions d'amendements dont la plupart visaient à affaiblir la Loi et quelques-unes à la renforcer. Après de longs débats, le comité accepta un nombre assez restreint de changements importants, ainsi que plusieurs petites modifications destinées à éliminer les ambiguïtés et à assurer une meilleure concordance des textes français et anglais. Certains changements visaient à dissiper les craintes, souvent exprimées au cours des audiences et dans les médias (surtout dans l'Ouest), de ceux qui pensaient que le projet de loi allait trop loin et qu'il risquait de nuire aux ambitions de carrière des anglophones unilingues. D'autres changements furent apportés à la suite de propositions, provenant notamment du Commissaire, pour renforcer le projet de loi en général et le rôle de protecteur qui lui est dévolu.

En réponse aux inquiétudes soulevées par la possibilité que le gouvernement crée de façon arbitraire, des régions bilingues aux fins de la langue de travail, grâce aux pouvoirs de réglementation que lui accorde le projet de loi, on incorpora des amendements visant à soumettre les règlements à l'examen du Parlement. Ces régions ne doivent pas être confondues avec les régions où, en

raison d'une demande importante ou de la vocation du bureau, l'on est tenu d'offrir les services dans les deux langues au grand public. Ces régions bilingues sont délimitées aux fins de l'administration interne ; la partie V de la Loi établit un système souple pour assurer que l'on « respecte... l'usage des deux langues officielles fait par le personnel » des institutions fédérales. Le texte initial du projet de loi prévoyait la mise en vigueur d'un tel système uniquement dans la région de la Capitale nationale et dans d'autres régions définies par règlements du gouvernement. Mais au lieu d'attendre cette réglementation, le comité accepta la proposition du ministre de la Justice de désigner par renvoi, dans la Loi, les régions bilingues qui existaient déjà en vertu d'une directive du Conseil du Trésor[1]. Celles-ci comprennent la région de la Capitale nationale, certaines régions de l'est et du nord de l'Ontario, la région de Montréal, une partie de l'Estrie, la Gaspésie, l'ouest du Québec et l'ensemble du Nouveau-Brunswick.

On fixa des limites au pouvoir du Gouverneur en conseil (c'est-à-dire du gouvernement) d'adopter des règlements pour modifier cette liste. En premier lieu, on inséra dans la Loi certains critères pour empêcher, par exemple, des désignations capricieuses de Medicine Hat (Alberta) ou de Trois-Pistoles (Québec) comme des régions bilingues : pour prendre une telle décision, le gouvernement doit tenir compte, entre autres, du nombre de francophones et d'anglophones au sein de la Fonction publique et de la population.

De plus, on amenda le projet de loi de façon à assurer que *tous* les règlements qui en découlaient fassent l'objet d'une publication préalable ; on assurait ainsi à la fois aux députés et au public une possibilité réelle de faire connaître leur point de vue sur le sujet.

Ainsi, trente jours de séance avant la publication d'un règlement dans la *Gazette officielle*, le président du Conseil du Trésor, ou le ministre responsable, devront en soumettre un avant projet à la Chambre des communes. Le règlement n'entrant en vigueur que trente jours de séance après sa parution dans la *Gazette officielle*, les intéressés disposeront ainsi d'un délai raisonnable leur permettant de faire valoir leurs arguments auprès du président du Conseil du Trésor. Les députés qui s'opposent à un règlement proposé auront donc largement le temps de mobiliser l'opinion publique de façon à obtenir du gouvernement qu'il retire ou qu'il amende sa proposition. À une exception près, cependant, le Parlement ne pourra — à moins de modifier la Loi — empêcher un règlement d'acquérir force de loi si le gouvernement décide de le maintenir.

Cette exception touche les règlements visant à modifier la liste des régions bilingues. Celles-ci, en plus de faire l'objet de la publication préalable que nous

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[1] Les ministères fédéraux sont liés par les directives internes, mais celles-ci n'ont pas force de loi et ne peuvent constituer le fondement d'un recours en justice.

venons de mentionner, seront assujetties à une procédure de résolution négative : 15 sénateurs ou 30 députés pourront demander le vote au sujet d'un tel règlement, qui sera retiré si la majorité en décide ainsi. Cette procédure n'est pas inconnue dans les textes de loi canadiens, mais elle est inusitée en ce qu'elle confère au Parlement le pouvoir de défaire une législation déléguée alors qu'il a déjà, en vertu de la Loi, confié à l'exécutif le pouvoir de l'adopter. Les théoriciens de la démocratie parlementaire s'inquiéteront peut-être de ces dispositions assurant au Parlement un plus grand pouvoir d'examen. Quant à nous, cependant, nous estimons que de telles restrictions au pouvoir de réglementation du gouvernement sont salutaires et qu'elles ne devraient pas l'empêcher d'exercer ses fonctions.

L'autre grande concession accordée à ceux qui craignaient que la Loi ne portât préjudice aux carrières des anglophones fut l'ajout d'une disposition antidiscriminatoire exigeant que la désignation linguistique des postes relève uniquement de critères objectifs. Désormais, la désignation d'un poste comme « bilingue », ou sa dotation impérative, devra être justifiée par l'existence d'un besoin objectif. Toute personne qui s'estime lésée pourra invoquer ce nouvel article pour se plaindre au Commissaire. Si aucune solution acceptable n'est trouvée, le plaignant pourra porter sa cause devant la Cour fédérale. À nos yeux, il s'agit là d'un excellent moyen de régir la création et la dotation des postes bilingues. Puisque la Loi insiste sur le bilinguisme institutionnel plutôt qu'individuel, il était devenu nécessaire d'offrir ainsi un moyen de contester les décisions exigeant que le candidat à un poste, ou le titulaire de celui-ci, soit bilingue ou s'engage à le devenir.

La nouvelle disposition attribue au Commissaire toute autorité pour chercher à résoudre les conflits sans que les plaignants doivent recourir eux-mêmes aux tribunaux pour obtenir satisfaction. La désignation des postes n'a suscité par le passé qu'un petit nombre de plaintes, et depuis l'adoption de la Loi, malgré les anticipations de certains, on n'a constaté aucune augmentation importante. Mais il demeure que la situation laisse certainement à désirer, et nous espérons que la nouvelle disposition empêchera la création inutile de postes bilingues et permettra de rectifier des décisions erronées à ce chapitre.

On a incorporé à la Loi plusieurs de nos propositions visant à renforcer les pouvoirs du Commissaire ou à améliorer le fonctionnement du Commissariat. C'est ainsi qu'un nouvel article autorise le Commissaire, lorsqu'il a des motifs raisonnables de penser qu'on a cherché à intimider un plaignant ou à entraver l'enquête poursuivie par lui-même ou un membre de son personnel, à rapporter l'incident au président du Conseil du Trésor et à l'administrateur général concerné. Au besoin, il pourra également rendre l'incident public. Les autorités auxquelles nous avons affaire font presque toujours preuve de coopération, mais il arrive pourtant que nous rencontrions des résistances ; un cas plus fréquent est celui de fonctionnaires qui, ayant déposé une plainte, estiment que leurs

supérieurs exercent sur eux des pressions indues pour qu'ils la retirent. Grâce à la nouvelle disposition, nous pourrons réagir avec efficacité à ces résistances et à ces pressions.

L'une des grandes innovations de la Loi, la création d'un droit de recours permettant au plaignant, ou au Commissaire, de s'adresser à la Cour fédérale pour obtenir satisfaction, fut améliorée par une importante modification à la procédure. Inquiets à l'idée que seuls seraient admis en preuve par le tribunal les renseignements touchant la plainte sur laquelle se fonde un recours en justice, nous avons proposé l'ajout d'une disposition permettant de soumettre des renseignements sur d'autres plaintes formulées contre un même organisme. Notre proposition fut acceptée. Ainsi, les plaignants qui se prévaudront de leur nouveau droit — ou le Commissaire agissant en leur nom — pourront présenter en preuve à la Cour, pour étayer une plainte particulière, le comportement général d'un organisme fédéral. Il sera plus difficile à ce dernier de se défendre en parlant de « lapsus » ou « d'aberration momentanée ». Cette mesure nous permettra d'être plus efficaces lorsque nous aurons recours aux tribunaux pour attaquer les problèmes de nature systémique.

Le fait d'inclure dans la Loi un recours judiciaire particulier devant la Division de première instance de la Cour fédérale soulevait une question technique : le Commissaire se verrait-il interdire, par voie de conséquence, de comparaître devant d'autres tribunaux lorsque des causes linguistiques y seraient entendues ? Nous pensions notamment aux causes touchant l'enseignement dans la langue de la minorité découlant de l'article 23 de la *Charte canadienne des droits et libertés* : dans plusieurs causes, le Commissaire s'est déjà vu reconnaître le droit d'intervenir devant les cours provinciales. D'autre part, une décision récente de la Cour suprême semble indiquer qu'un agent dont le poste est créé par une loi ne dispose que des pouvoirs définis par cette loi ; si cette loi lui permet de comparaître devant certains tribunaux, il n'a pas la faculté de se présenter devant un autre tribunal. Pour éviter l'application de ce principe, et pour conserver au Commissaire la possibilité d'intervenir dans les grandes causes linguistiques autres que celles découlant de la *Loi sur les langues officielles*, on a ajouté une disposition établissant le « pouvoir du commissaire de demander l'autorisation d'intervenir dans toute instance judiciaire relative au statut ou à l'usage du français ou de l'anglais ».

D'autre part, pour améliorer le fonctionnement interne du Commissariat, le comité a ajouté un paragraphe élargissant les pouvoirs de délégation du Commissaire.

À la partie de la Loi qui modifiait de façon spécificative le *Code criminel* en élargissant les droits linguistiques des accusés, le comité a ajouté un paragraphe stipulant que tout jugement rendu par écrit devra être disponible dans la langue de l'accusé. De même, dans le domaine parlementaire, il a ajouté une disposition

en vertu de laquelle les documents émanant d'une institution fédérale, et qui sont déposés au Parlement, devront l'être dans les deux langues. Ces modifications avaient été proposées par M. Jean-Robert Gauthier, représentant du Parti libéral au sein du comité, qui défend depuis longtemps les droits linguistiques des minorités. Ses autres propositions, qui visaient soit à renforcer la protection des minorités, soit à élargir la portée de la Loi, furent refusées par le comité ou retirées en faveur d'amendements semblables mis de l'avant par le gouvernement.

Pour qu'il soit parfaitement clair que les tribunaux visés par les parties I, II et III de la Loi sont les cours fédérales et non les cours provinciales, le comité a ajouté l'adjectif « fédérale » dans chaque cas où l'on avait employé le mot « cour ».

Le comité adopta également un certain nombre de modifications formelles mises de l'avant par le ministre de la Justice pour assurer une meilleure concordance entre les versions française et anglaise. De plus, on indiqua explicitement que la Loi ne visait pas le Yukon, à la suite d'une entente fédérale-territoriale et de l'adoption au Yukon d'une Loi parallèle à la Loi fédérale. L'Assemblée législative du Yukon ne pourra, sans le consentement du Parlement, diminuer la protection linguistique accordée par cette Loi. Une disposition semblable touchant les Territoires du Nord-Ouest était déjà comprise dans la première version du projet de loi.

Si nous nous sommes réjouis des améliorations apportées au projet de loi par le comité, nous n'avons cependant pu le persuader d'accepter toutes nos propositions. En particulier, nous n'avons pas réussi à le convaincre que le gouvernement devrait étudier les conséquences, pour les langues officielles, de la privatisation des sociétés d'État, et publier les résultats de ses études. Le comité n'a pas voulu, semble-t-il, créer d'obstacles législatifs à la démarche du gouvernement en matière de privatisation, laquelle consiste à traiter chaque cas de façon autonome. Le comité a également rejeté notre proposition d'étendre la portée d'une autre disposition, en vertu de laquelle les agences de réglementation fédérales devront veiller à ce que les organismes qu'ils réglementent soient en mesure, dans les activités liées à la santé et à la sécurité, de communiquer avec le public dans les deux langues. Nous estimons en effet que cette obligation devrait être étendue aux agences réglementant d'autres domaines essentiels comme les télécommunications, la télédiffusion et le transport interprovincial.

Le texte ainsi modifié a marqué la fin du processus délicat des négociations ; l'étape suivante devait être celle de la troisième et dernière lecture en Chambre. Avant d'en arriver là, il y eut cependant un dernier effort pour culbuter le projet de loi. Entre l'étude en comité et la troisième lecture, tout membre du Parlement a le droit de mettre aux voix une proposition d'amendement, et ce fut alors un flot de 210 résolutions qui déferla sur la Chambre. Certaines étaient

diamétralement opposées à l'objet du projet de loi : on proposait de limiter les services à la minorité aux cas où celle-ci représentait 20 p. 100 de la population ; de confiner l'emploi du français comme langue de travail au Québec et à la région de la Capitale nationale ; d'interdire carrément le français au sein des Forces armées en période de combat. D'autres propositions, moins extrêmes, n'en étaient pas moins contraires au principe fondamental du statut d'égalité. Certains de ces amendements furent rejetés pour des raisons de forme ; les autres furent regroupés, mis aux voix et défaits.

Avant la troisième lecture en Chambre, le gouvernement fit une démarche remarquée pour restreindre le nombre de dissidents qui allaient voter contre l'adoption. À la réunion hebdomadaire du caucus des députés conservateurs, le Premier ministre prononça un discours passionné auquel les médias firent largement écho et dont les effets ne manquèrent pas de se faire sentir : le 7 juillet 1988, le projet de loi fut adopté par 129 voix contre 9, 19 ans, jour pour jour, après l'adoption de la première Loi.

L'examen du projet de loi par le Sénat fut beaucoup plus rapide et suscita moins de controverses. La première lecture se fit en moins d'une demi-journée, et le comité créé pour étudier le texte se contenta d'une seule réunion à laquelle comparurent le ministre de la Justice et l'honorable Lucien Bouchard, qui venait d'être nommé Secrétaire d'État. Celui-ci dut répondre à des questions précises touchant la partie VII du projet de loi, qui le chargeait de coordonner un programme d'appui aux minorités de langue française et anglaise. Dans le contexte d'un vif débat public sur les effets nuisibles que pourrait avoir cette disposition sur les efforts du Québec pour promouvoir la langue française dans le champ de sa propre compétence, certains sénateurs voulaient savoir si le Secrétaire d'État comptait faire preuve d'énergie dans l'application de la Loi au Québec ; M. Bouchard répondit que telle était son intention. De plus, il affirma que le gouvernement fédéral n'accepterait jamais qu'une province opposât un veto à la protection et à la promotion des minorités linguistiques, dont il avait la responsabilité. Mais les réactions divergentes rapportées par les médias, et qui se trouvèrent exacerbées au lendemain d'une élection partielle au Québec, continuaient de susciter le doute chez certains sénateurs. Notons cependant que même avant la mise en vigueur de la Loi, le Secrétariat d'État avait conclu des accords avec plusieurs provinces touchant l'appui aux minorités francophones.

Au Sénat, le projet de loi fut approuvé en troisième lecture le 27 juillet 1988, et c'est le lendemain qu'il reçut la sanction royale pour devenir le chapitre 38 des Lois du Canada, 1988. La proclamation de la Loi, qui constituait en même temps l'abrogation de la Loi précédente, eut lieu le 15 septembre 1988. Cependant, la Loi de 1969 et les politiques et directives connexes restent en vigueur, sauf si elles sont modifiées par la nouvelle loi ou si elles se trouvent en conflit avec ses dispositions ou ses règlements. Pour reprendre les termes de la *Loi sur l'interprétation*, la nouvelle loi doit être considérée comme « une refonte et une

clarification des règles du droit des textes antérieurs ». L'entrée en vigueur de l'article 95, touchant les formulaires judiciaires bilingues, fut reportée au 1er février 1989 pour permettre aux provinces visées d'effectuer les changements nécessaires.

La Loi est donc en vigueur, mais qu'en est-il des règlements qui doivent en assurer sa mise en œuvre ? Les parlementaires avaient vite reconnu leur importance et c'est pourquoi les députés ont tenu à incorporer à la Loi une procédure assurant un contrôle parlementaire. Selon notre analyse de la demi-douzaine de domaines dans lesquels la Loi doit être complétée par des règlements, son application, à deux exceptions près, ne suscite pas d'ambiguïtés : en effet, même en l'absence de précisions réglementaires, les termes de la Loi sont clairs. Ainsi, la réglementation doit définir le critère essentiel de « la demande importante » qui doit justifier la prestation de services bilingues, mais en attendant ce règlement, les ministères restent liés par les définitions administratives existantes et les désignations territoriales du Conseil du Trésor. Les tribunaux ne seraient pas liés par ces textes, néanmoins à notre avis, un juge n'aurait pas grande difficulté à décider, en se fondant sur les statistiques démographiques et les renseignements sur le volume des communications avec le public, si la demande d'un service donné dans la langue de la minorité revêt une importance suffisante pour rendre celui-ci obligatoire.

Ces deux exceptions concernent le service au public : il s'agit du nouveau critère constitutionnel de la vocation du bureau (critère plus exigeant que celui de la « demande importante » puisqu'il n'est pas quantitatif), et de la notion des services réglementaires offerts aux voyageurs, dans les bureaux d'un organisme fédéral, par des tiers à qui ce dernier a accordé un contrat. Le texte de la Loi n'indique pas dans quelles circonstances, en l'absence d'une réglementation détaillée, le service bilingue est alors requis.

La Direction des langues officielles du Conseil du Trésor, chargée en vertu de la Loi de rédiger les règlements qui en découlent, se consacre actuellement à l'élaboration de ceux qui visent le service au public, et notamment de ceux qui sont nécessaires, comme nous venons de le souligner, à la mise en œuvre de la Loi.

Nous croyons comprendre, d'autre part, que les règlements concernant l'exercice des droits linguistiques des fonctionnaires constituent une deuxième priorité. Il s'agit en l'occurrence de définir ce que le gouvernement doit faire pour créer des milieux de travail dans lesquels les fonctionnaires peuvent utiliser leur propre langue, et pour assurer que la composition de la main-d'œuvre reflète de façon équitable la présence des deux communautés linguistiques.

Il semble que l'élaboration des règlements, tout comme celle de la Loi elle-même, exigera une bonne dose de patience. Les élections fédérales de novembre

ont peut-être contribué au ralentissement du processus ; de plus, le gouvernement a l'obligation — à la fois politique et juridique — de consulter non seulement les membres des minorités de langue française et anglaise, mais aussi les organismes fédéraux qui seront gouvernés par ses règlements.

Enfin, la publication préalable pour assurer le contrôle des nouveaux règlements par le Parlement retardera leur mise en application. Le ministre responsable doit en effet soumettre à la Chambre des communes le règlement proposé trente jours de séance avant sa parution dans la *Gazette officielle*, et trente jours de séance doivent ensuite s'écouler avant qu'il n'acquière force de loi ; il s'agit donc d'un délai beaucoup plus long que deux mois. Nous serions fort déçus si le Conseil du Trésor invoquait ces procédures pour justifier des délais indus. Nous savons que l'élaboration de règlements et les consultations ne peuvent se faire en un tournemain. Cependant, l'expérience des 20 dernières années constitue un atout précieux, et nous incitons vivement nos collègues à se mettre au travail. Nous espérons être témoins du dépôt des premiers règlements en Chambre dès la fin de 1989.

Nous souhaitons que la mise en œuvre intégrale de la Loi elle-même se fasse le plus rapidement possible. En même temps, nous souhaitons que les règlements qui la complètent s'inspirent de la même largeur de vues. Il ne sert à rien d'édicter de généreux principes si une interprétation mesquine doit régir leur application. Nous nous montrerons vigilants à ce chapitre, mais certains organismes fédéraux se réjouiraient peut-être de la mise en place d'une réglementation restrictive. La Loi attribue explicitement au Commissaire le pouvoir d'examiner les règlements et les instructions qui en découlent et de soumettre à ce sujet un rapport au Parlement ; étant donné l'importance de la réglementation dans le nouveau cadre juridique, nous pensons être appelés à exercer régulièrement ce pouvoir.

En somme, nous estimons que les Canadiens, le gouvernement fédéral, les associations de groupes minoritaires et le Commissariat disposent d'un nouvel outil juridique qui, sans être parfait, constitue le digne successeur de la Loi de 1969. La nouvelle loi élargit notre propre mandat : au rôle d'ombudsman s'ajoutent les tâches de contrôler les efforts de promotion du gouvernement et de comparaître comme partie aux instances engagées devant la Cour fédérale. Le premier point ne constitue en fait que la reconnaissance du statu quo : depuis 1969, tous les Commissaires ont compris que la promotion du français et de l'anglais, au sein de la société canadienne, allait de pair avec l'obligation plus terre-à-terre de résoudre les plaintes formulées par les citoyens.

Le recours judiciaire instauré dans la partie X — grâce auquel on pourra poursuivre devant la Cour fédérale les organismes fédéraux récalcitrants — est nouveau, même s'il ne manque pas de précédents du genre, et nous comptons faire preuve de modération dans son emploi. À nos yeux, en effet, notre rôle en est un

de médiation, et nous devons avant tout faire preuve de célérité et de souplesse. À titre d'ombudsman, nous n'avons aucun désir de faire du juridisme dans la perspective que chaque petite dispute finira devant les tribunaux : nous signerions ainsi notre arrêt de mort en tant qu'organisme efficace. La Cour constitue notre dernier recours ; nous espérons ne jamais y recourir, mais nous n'aurons aucune hésitation à le faire si les circonstances l'exigent. Nous restons pourtant imprégnés d'un esprit de conciliation dans une tâche qui consiste à insuffler la vie aux grands principes de la Loi, et nous espérons que tous nos partenaires au sein du gouvernement fédéral seront animés par le même esprit.

La Loi de 1988 constituera sans doute, pendant de nombreuses années à venir, un outil efficace pour assurer le progrès de notre pays vers l'égalité et la justice linguistiques. La Cour suprême ayant situé les droits linguistiques parmi les droits de la personne, la Loi vient les étayer à titre de valeurs fondamentales. En même temps, elle vient renforcer l'identité canadienne en resserrant les liens qui unissent nos deux grandes communautés linguistiques.

3. Les droits linguistiques : l'arbre et ses fruits

Dans les pages qui suivent, nous examinons diverses décisions de la Cour suprême du Canada touchant les droits linguistiques ainsi que d'autres, d'intérêt national, rendues par des instances inférieures. Nous présentons également un aperçu de certaines lois provinciales ou territoriales à caractère linguistique. La partie IV de ce Rapport annuel fait également état des décisions de tribunaux touchant les minorités.

En ce qui a trait à la Cour suprême du Canada, nous analysons brièvement d'abord l'arrêt Mercure relatif au statut du français en Saskatchewan et par voie de conséquence en Alberta, ainsi que les réactions des législateurs provinciaux intéressés. Nous examinons ensuite les arrêts qu'elle a rendus dans diverses causes québécoises avant de jeter un coup d'œil sur ses décisions touchant l'article 23 de la *Charte canadienne des droits et libertés* visant les droits à l'instruction dans la langue de la minorité. Nous complétons notre tour d'horizon en traitant de la nouvelle législation linguistique du Yukon.

En 1988, la Cour suprême du Canada a rendu d'importantes décisions en matière de langues officielles et de droits linguistiques. Si on en juge par la quantité des litiges qui sont soumis aux tribunaux et dont bon nombre seront éventuellement portés à son attention, on peut penser qu'elle sera appelée à se pencher sur ces questions pendant bien des années encore. Son rôle dans l'évolution du régime linguistique canadien sera donc déterminant, même si ce n'est pas sans réticence qu'elle assume cette responsabilité.

On a pu constater de nouveau cette année que les membres du plus haut tribunal du pays savent faire preuve à la fois de courage et de sagesse quand il s'agit de délimiter le cadre institutionnel dans lequel s'exerce cette espèce particulière de droits fondamentaux que sont, au Canada, les droits linguistiques. Il n'en demeure pas moins que dans notre système politique, c'est d'abord au législateur qu'il appartient de favoriser la progression vers l'égalité de statut ou d'usage du français et de l'anglais, comme en témoigne l'adoption en juillet de la nouvelle loi fédérale sur les langues officielles. Pourtant, certains législateurs, de quelques traits de plume, ont réussi à réduire à peu de chose des espoirs centenaires. Ainsi ont fait les assemblées législatives de la Saskatchewan et de l'Alberta à la suite

de l'arrêt de la Cour suprême dans l'affaire Mercure, ainsi que le Québec : cette province s'est soustraite partiellement à la décision du même tribunal touchant la liberté d'expression et la discrimination fondée sur la langue pour accorder la priorité aux droits collectifs de sa majorité. Dans ces trois réactions provinciales retentissantes, qui comportent cependant d'importantes différences, on chercherait en vain la progression espérée vers le renforcement du statut des deux langues. Force nous est de constater que bien qu'il s'appuie sur des racines constitutionnelles et législatives profondes, l'arbre des droits linguistiques produit dans notre fédération des branches qui ne contribuent guère à l'harmonie de l'ensemble. Signe par ailleurs plus encourageant, on relève en 1988 plusieurs jugements ou avis consultatifs relativement convergents des tribunaux sur la portée de l'article 23 de la *Charte canadienne des droits et libertés* concernant les droits à l'instruction dans la langue de la minorité dont certains nous apparaissent très importants pour l'avenir du pays.

Les droits linguistiques en Alberta et en Saskatchewan

Comme nous l'avions souligné dans notre rapport de 1986, la question du statut du français en Saskatchewan et en Alberta aura réservé bien des surprises. Les droits linguistiques en question découlaient en effet de l'article 110 de l'ancienne *Loi des territoires du Nord-Ouest*. Adopté en 1877, puis révisé en 1880 pour tenir compte de l'évolution des organismes territoriaux, l'article 110 avait pris sa forme définitive en 1891. Il établissait que l'Assemblée législative des Territoires et les tribunaux territoriaux seraient astreints au bilinguisme parlementaire, législatif et judiciaire, à peu près de la même façon que les institutions fédérales et québécoises en vertu de l'article 133 de la *Loi constitutionnelle de 1867* et le Manitoba conformément à l'article 23 de la *Loi de 1870 sur le Manitoba*.

En 1891, le Parlement canadien avait néanmoins autorisé l'Assemblée législative des Territoires du Nord-Ouest à régir elle-même, par ordonnances ou règlements, la procédure parlementaire, la tenue des procès-verbaux et leur publication, à condition que les dispositions en question fassent l'objet d'une proclamation du lieutenant-gouverneur. Cette disposition fut alors interprétée comme une autorisation fédérale de mettre fin à l'emploi du français à l'Assemblée législative des Territoires, mais il semble que la résolution à cet effet, bien que mise en application, ne fit jamais l'objet de la proclamation requise. Lors de la création en 1905 des provinces de l'Alberta et de la Saskatchewan, les lois intéressant les Territoires furent incorporées au droit de chacune des deux provinces en vertu de dispositions transitoires. L'article 110 fut expressément maintenu par la suite par le Parlement fédéral pour ce qui est des provinces de l'Alberta et de la Saskatchewan.

On pourrait donc croire que l'autorisation accordée par le Parlement canadien en 1891 aux Territoires du Nord-Ouest d'abroger certaines dispositions de leur loi constituante eût justifié les nouvelles provinces d'en faire autant dès leur

création, ce qui aurait mené plus tôt à la situation qui prévaut aujourd'hui. Cette théorie rend mal compte cependant du cheminement historique accompli depuis lors, car en 1905, une telle décision aurait pu être désavouée par le gouverneur général en conseil. Ce n'est plus le cas maintenant, car l'exercice du pouvoir fédéral de désaveu est à toutes fins utiles tombé en désuétude.

Dans un jugement partagé — six contre deux — rendu en février 1988, la Cour suprême du Canada confirmait le maintien en droit du bilinguisme parlementaire, législatif et judiciaire en Saskatchewan. Bien que l'article 110 portât sur des questions de procédure, il visait également d'autres fins. Aux yeux de la majorité des juges de la Cour suprême du Canada, il avait consacré des règles de procédure donnant ouverture à des droits pour les particuliers et ne pouvait de ce fait faire l'objet d'une abrogation implicite. La Cour rappelait dans cet arrêt que les tribunaux doivent continuer d'aborder les lois qui traitent des droits de la personne au Canada comme étant de nature quasi constitutionnelle et que l'abrogation de telles lois exige une déclaration législative claire, d'autant plus qu'au Canada, les droits linguistiques sont un genre bien connu de droits de la personne et doivent être abordés en conséquence. Elle concluait néanmoins que l'article 110 n'avait pas été inclus dans la Constitution canadienne après l'adoption de la *Loi sur la Saskatchewan* de 1905, contrairement à ce qui fut fait pour l'article 23 de la *Loi de 1870 sur le Manitoba*. Quant aux deux juges dissidents, ils estimaient, pour leur part, que l'article 110 ne visait que l'assemblée territoriale et les tribunaux territoriaux de l'époque et qu'il n'avait jamais été opposable aux institutions de la province depuis sa création en 1905.

Le tribunal reconnaissait ainsi que les législateurs provinciaux ont compétence pour modifier unilatéralement ces exigences linguistiques, voire même pour abroger les droits qui en découlent. Il invitait donc la province à décider rapidement si elle opterait pour le bilinguisme institutionnel ou pour une modification de sa constitution en vue de valider la législation unilingue antérieure et d'adopter pour l'avenir l'unilinguisme. La Cour précisait cependant que cela devait se faire suivant le mode et la forme requis par la loi au moment de cette modification, savoir actuellement au moyen d'une loi en français et en anglais.

On ne saurait exagérer l'importance de cet arrêt qui confirme la légitimité historique du français dans ces provinces. Car il faut se rendre compte que c'est à partir sensiblement des mêmes obligations, enchâssées constitutionnellement, que repose le statut dans la sphère provinciale de l'anglais au Québec et celui du français au Manitoba et, depuis peu, au Nouveau-Brunswick.

Le projet de loi n° 2 de 1988 en Saskatchewan

À la suite de l'arrêt Mercure, l'Assemblée législative de la Saskatchewan adoptait en avril une loi bilingue relativement à l'usage du français et de l'anglais. Cette loi stipule que l'article 110 de la *Loi sur les territoires du Nord-Ouest* ne s'applique plus à la Saskatchewan pour ce qui est des matières relevant de l'Assemblée législative de cette province. Elle valide rétroactivement les lois,

règlements et ordonnances adoptés antérieurement en anglais seulement. Elle prévoit que désormais les lois et règlements pourront tous être édictés, imprimés et publiés en anglais seulement ou en français et en anglais. Elle délègue au lieutenant-gouverneur en conseil le pouvoir réglementaire de désigner, parmi les lois existantes et les lois futures rédigées en anglais seulement, celles qui seront soumises à l'Assemblée pour adoption, impression et publication en français et en anglais. Dans ce dernier cas, toutes les étapes de la procédure devront être consignées dans les deux langues. Il en ira de même pour les règlements futurs qui pourraient être assujettis à la règle du bilinguisme.

La Loi reconnaît, par ailleurs, le droit de chacun d'employer le français ou l'anglais dans les débats de l'Assemblée législative, mais ses archives, comptes rendus et règlements pourront être établis en anglais seulement. L'Assemblée pourra décider néanmoins de faire établir ces documents en français et en anglais, chaque version ayant alors égale valeur. Par contre, les documents de même nature établis antérieurement en anglais seulement se trouvent validés rétroactivement.

La Loi prévoit enfin que chacun aura le droit d'employer le français ou l'anglais oralement et par écrit devant six tribunaux provinciaux, dont les règles de Cour qui donnent effet à cette disposition devront être imprimées à leur tour dans les deux langues. Les autres règles des tribunaux ainsi désignés devront être imprimées et publiées en français et en anglais avant le 1er janvier 1994. Dans les cas où des documents officiels seront établis dans les deux langues, chacune des versions aura la même valeur.

Le projet de loi n° 60 de 1988 en Alberta

L'Assemblée législative de l'Alberta adoptait à son tour en juillet une *Loi linguistique* bilingue statuant que l'article 110 de la *Loi sur les territoires du Nord-Ouest* ne s'applique pas à l'Alberta pour ce qui est des matières relevant de son assemblée législative. Cette loi valide rétroactivement les lois, règlements et ordonnances adoptés antérieurement en anglais seulement. Elle prévoit en outre que les lois et règlements pourront être désormais édictés, imprimés et publiés en anglais, bien que les membres de l'Assemblée législative puissent prendre part aux débats en français ou en anglais. La Loi valide aussi les règlements, procès-verbaux et journaux établis antérieurement en anglais seulement. Néanmoins, l'Assemblée pourra par résolution décider de faire établir, imprimer et publier en tout ou en partie ces documents soit en français soit en anglais, ou encore dans ces deux langues. Enfin, chacun pourra employer le français ou l'anglais dans les procédures devant quatre tribunaux provinciaux, mais pour les communications verbales seulement. Un éditorialiste du *Calgary Herald* écrivait que cette loi faisait de l'Alberta une province unilingue et n'offrait aux francophones que des restes....

Même si ces deux lois confirment le droit d'employer le français à l'Assemblée législative et devant certains tribunaux, ce qui représente un progrès par rapport

à un passé récent, elles n'en constituent pas moins, par leurs carences, un recul quand on songe à la situation qui existait un siècle plus tôt. En effet, ni l'une ni l'autre de ces lois n'assure la pleine égalité de statut au français en ce qui a trait au processus législatif, ce qui, comme l'a observé la Cour suprême du Canada, faisait partie du droit fondamental d'une vaste région de ce pays depuis les premiers jours de la fondation de la nation... En somme, si elles respectent la lettre du jugement de la Cour suprême, ces lois n'en reflètent guère l'esprit. Même si la Saskatchewan s'est montrée un peu plus généreuse à l'égard de sa minorité francophone que sa voisine mieux nantie, et dotée d'une minorité de langue française plus importante, la conclusion de l'affaire Mercure a rouvert des plaies historiques mal cicatrisées. Les francophones de l'Ouest, qui y avaient au départ d'importantes assises en plusieurs endroits, ne peuvent en effet oublier que les lois linguistiques ont depuis toujours entravé leur développement.

Espérons néanmoins que l'entente-cadre de même que les ententes auxiliaires que viennent de conclure le gouvernement fédéral et celui de la Saskatchewan au nom de la dualité linguistique du Canada pallieront dans une certaine mesure les insuffisances de la législation provinciale et favoriseront l'adoption éventuelle de dispositions législatives plus respectueuses des droits historiques de la communauté fransaskoise. Espérons aussi que de telles ententes pourront être conclues avec l'Alberta, une province avec laquelle aucune négociation n'avait pu être entamée à la fin de 1988.

Les causes linguistiques du Québec

Plusieurs causes linguistiques québécoises ont défrayé la chronique de la presse canadienne en 1988. Certaines sont examinées dans la section de ce chapitre consacrée aux droits à l'instruction dans la langue de la minorité. Celles que nous évoquons ici se rapportent à la *Charte de la langue française* du Québec.

L'affaire Nancy Forget

Le pourvoi du Québec en vue de faire confirmer la validité de deux articles du Règlement de l'Office de la langue française exigeant la connaissance du français pour l'obtention d'un permis d'un ordre professionnel fut accueilli favorablement le 1er septembre par une décision majoritaire — cinq contre trois — de la Cour suprême du Canada. C'était la première fois que le plus haut tribunal du pays se prononçait favorablement à l'égard d'une disposition contestée de la *Charte de la langue française*. La Cour supérieure avait rejeté la requête de Nancy Forget, tandis que la Cour d'appel avait majoritairement accueilli son pourvoi, mais uniquement pour déclarer illicites deux articles du Règlement qu'elle estimait discriminatoires et entachés de sous-délégation illégale.

Selon l'opinion majoritaire de la Cour suprême, les articles visés ne sont ni discriminatoires ni incompatibles avec l'article 10 de la *Charte québécoise des droits et libertés de la personne* qui prohibe la discrimination fondée sur la langue, puisque la distinction qu'ils établissent n'a pas pour effet de détruire ou

de compromettre le droit à la pleine égalité des postulants dans la reconnaissance et l'exercice d'un droit, mais plutôt de démontrer qu'ils possèdent bien l'une des qualités nécessaires pour exercer leur droit d'accéder à un ordre professionnel. Ces articles ne sont pas non plus discriminatoires au sens du droit administratif, car l'article de la loi sur lequel ils se fondent habilite bien l'Office de la langue française à édicter des règlements qui peuvent établir une distinction entre deux classes de postulants. Enfin, le Règlement ne comporte pas de sous-délégation illégale de pouvoir, en prévoyant la préparation des examens par un Comité d'examen : la disposition habilitante de la *Charte de la langue française*, l'article 114 d), autorise en effet expressément l'Office à créer des comités pour l'aider dans l'accomplissement de sa tâche.

L'affichage, la publicité et les raisons sociales

Les causes en question portaient sur les dispositions de la *Charte canadienne des droits et libertés* et de la *Charte québécoise des droits et libertés de la personne* relatives à la liberté d'expression et sur celles de la Charte québécoise visant la discrimination fondée sur la langue. Néanmoins, puisque c'est sous l'aspect de l'usage des langues que la liberté d'expression et la discrimination y sont abordées, nous les traitons dans ce chapitre consacré aux droits linguistiques.

En décembre, la Cour suprême du Canada rendait deux jugements unanimes dans l'affaire Allan Singer et dans les causes La Chaussure Brown's Inc., Valérie Ford, McKenna Inc., Nettoyeur et Tailleur Masson Inc. et Compagnie de Fromage nationale Ltée. Ces deux arrêts disposaient de la question de la constitutionnalité des articles de la *Charte de la langue française* du Québec (loi 101) requérant l'unilinguisme français dans l'affichage public, la publicité commerciale et les raisons sociales.

Dans la première cause, qui portait sur l'utilisation exclusive de l'anglais dans l'affichage commercial et les raisons sociales, il s'agissait d'un appel à l'encontre d'une décision rendue en 1982 par la Cour supérieure du Québec et confirmée majoritairement par la Cour d'appel en 1986. Dans l'autre, il s'agissait également de l'appel d'un jugement rendu en 1984 par la Cour supérieure du Québec et confirmé à l'unanimité par la Cour d'appel en 1986. Dans le premier cas, la décision des tribunaux québécois avait été favorable à la loi 101, alors qu'elle lui avait été défavorable dans les autres cas. Cette divergence dans la jurisprudence des tribunaux québécois s'explique principalement du fait que les dispositions de la *Charte canadienne des droits et libertés* et de la *Charte québécoise des droits et libertés de la personne* en matière de liberté d'expression étaient entrées en vigueur entre-temps.

L'affaire Singer

Dans la première cause, l'appelant, Allan Singer, insistait pour continuer à n'employer que l'anglais dans son commerce et contestait la constitutionnalité de plusieurs articles du chapitre sur la langue du commerce et des affaires de la loi 101 exigeant soit l'emploi exclusif du français, soit son utilisation concurremment avec une autre langue. Tout en reconnaissant que les articles contestés

relèvent de la compétence de l'Assemblée nationale du Québec, la Cour suprême a accueilli en partie l'appel, en statuant que ces articles, ainsi que les dispositions correspondantes du règlement, portaient atteinte à la liberté d'expression garantie par la *Charte canadienne des droits et libertés* et la *Charte québécoise des droits et libertés de la personne*. À l'exception des articles 52 — concernant les catalogues, brochures, dépliants et autres publications de même nature — et 57 — visant les demandes d'emploi, bons de commande, factures et quittances —, qui exigent l'usage du français, mais permettent celui de l'anglais, les articles contestés ne constituent pas, selon le libellé de la *Loi constitutionnelle de 1982*, des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique. La Cour précisait qu'une mesure législative imposant l'usage exclusif du français ne peut se justifier, ni aux termes de l'article premier de la Charte canadienne, ni à ceux de l'article 9.1 de la Charte québécoise. Par contre, exiger l'usage concurrent ou prédominant du français lui paraissait justifié. Pour le tribunal, une distinction, exclusion ou préférence fondée sur l'un des motifs de discrimination prohibée, dont la langue, qui sont énumérés à l'article 10 de la Charte québécoise est aussi discriminatoire, lorsque cette disposition a pour effet de détruire ou de compromettre le droit à la reconnaissance et à l'exercice, en pleine égalité, d'un droit ou d'une liberté de la personne. La Cour a cependant estimé que la liberté d'expression, si elle protège la liberté de s'exprimer dans la langue de son choix, ne comporte pas la garantie du droit de s'exprimer exclusivement dans sa propre langue.

L'affaire La Chaussure Brown's Inc. et autres

Dans les autres causes, l'affaire La Chaussure Brown's Inc. et autres, les intimés ne contestaient pas l'obligation d'employer le français dans leur commerce, mais la constitutionnalité des articles du même chapitre de la loi 101 exigeant l'utilisation exclusive du français. Le plus haut tribunal du pays a rejeté ici l'appel du gouvernement du Québec, en statuant que la liberté d'expression garantie par l'alinéa 2b) (libertés fondamentales — liberté d'expression) de la Charte canadienne, et par l'article 3 (libertés fondamentales, liberté d'expression) de la Charte québécoise, comprend la liberté de s'exprimer dans la langue de son choix. La Cour précisait que l'expression commerciale est une expression au sens des articles susmentionnés des deux Chartes. Tout comme l'expression politique, l'expression commerciale constitue à ses yeux un des modes d'expression qui méritent une protection constitutionnelle parce qu'ils servent à promouvoir certaines valeurs individuelles et collectives dans une société libre et démocratique. De plus, l'expression commerciale protège autant celui qui s'exprime que celui qui l'écoute et joue un rôle considérable en permettant aux individus de faire des choix économiques éclairés, ce qui représente selon la Cour un aspect important de l'épanouissement individuel et de l'autonomie personnelle.

La Cour cependant a reconnu la légalité et la validité de la clause dérogatoire à la Charte canadienne adoptée en 1982 pour soustraire à son application l'ensemble de la loi 101, et de la clause dérogatoire adoptée en 1983 pour soustraire à son application le nouveau texte de l'article 58 de la loi 101. La Cour rappelait

cependant que ces clauses dérogatoires ne sauraient avoir d'effet rétroactif et qu'elles n'étaient valides que pour une durée maximale de cinq ans, signalant que celle adoptée en 1982 était devenue caduque en 1987.

Quoique l'article 58 (affichage public et publicité commerciale) de la loi 101 s'applique à tous, la Cour suprême n'en estime pas moins pour autant qu'exiger l'emploi exclusif du français produit des effets différents selon la langue d'usage des gens : il est en effet permis alors aux francophones d'utiliser leur langue, alors que cela est interdit aux anglophones et aux allophones. La Cour en conclut que l'article 58 de la loi 101 crée ainsi une distinction fondée sur la langue, ce qui est prohibé par l'article 10 de la Charte québécoise.

Les documents produits par le procureur du Québec ne justifient pas aux yeux du tribunal la restriction imposée à la liberté d'expression par les articles contestés. Cependant, exiger que la langue française prédomine, même nettement, dans l'affichage serait proportionnel à l'objectif de promotion et de préservation du visage linguistique du Québec. Cette exigence serait alors justifiée en vertu de l'article 9.1 (exercice des droits fondamentaux — rôle de la Loi) de la Charte québécoise et de l'article premier (limites raisonnables et justifiables) de la Charte canadienne. Mais l'obligation d'employer exclusivement le français n'a pas été justifiée. Néanmoins, on pourrait exiger que le français accompagne toute autre langue ou qu'il soit plus en évidence qu'une autre langue.

En somme, les articles 58 (affichage et publicité) et 69 (raisons sociales françaises) de la loi 101 et ses articles 205 à 208 (sanctions pénales afférentes), dans la mesure où ils s'appliquent à ces deux articles, enfreignent l'article 3 (libertés fondamentales) de la Charte québécoise et ne sont pas justifiés par l'article 9.1 (exercice des droits fondamentaux — rôle de la Loi) de celle-ci. L'article 69 (raisons sociales françaises) et les dispositions pénales qui s'y rapportent contreviennent à l'article 10 de la Charte québécoise (discrimination interdite — distinction fondée sur la langue) et sont aussi assujettis à l'article 3 (liberté d'expression) de la *Charte des droits et libertés de la personne du Québec*. La clause dérogatoire s'y rapportant étant devenue caduque en 1987, ces articles enfreignent aussi l'alinéa 2b) (libertés fondamentales — liberté d'expression) de la Charte canadienne et ne sont pas justifiés par l'article premier de celle-ci (limites raisonnables et justifiables).

Ces deux jugements permettaient de concilier, en fait comme en droit, les droits de la majorité francophone et ceux de la minorité anglophone dans le respect des compétences québécoises, puisqu'ils laissaient au pouvoir politique la possibilité de définir les modalités d'une nette prépondérance du français. L'Assemblée nationale pouvait par ailleurs se soustraire au jugement en recourant aux clauses dérogatoires prévues par la Charte canadienne et la Charte québécoise. Ce fut cette dernière option que retint l'Assemblée nationale, en adoptant fin décembre, le projet de loi 178 modifiant la *Charte de la langue française*. Cette loi exige

l'affichage et la publicité commerciale unilingues français à l'extérieur — tout en permettant l'affichage et la publicité bilingues avec prédominance du français à l'intérieur, conformément à une éventuelle réglementation — ainsi que l'utilisation d'une raison sociale unilingue française. Par rapport à la double interdiction antérieure, l'autorisation d'utiliser l'anglais à l'intérieur peut constituer un progrès pour la liberté d'expression commerciale dans les langues autres que le français. Cependant, l'interdit qui frappe son utilisation dans l'affichage extérieur n'est pas généralement considéré comme conforme à la lettre ni à l'esprit du jugement de la Cour suprême.

Les droits à l'instruction dans la langue de la minorité

L'article 23 de la *Charte canadienne des droits et libertés* de 1982 portant sur les droits à l'instruction dans la langue de la minorité a continué de retenir l'attention des tribunaux dans plusieurs provinces, sans qu'on puisse encore déceler une orientation définitive de la jurisprudence. On relève toutefois une tendance à reconnaître l'existence d'un droit de contrôle par la minorité de ses établissements scolaires, quoiqu'en général les juges hésitent beaucoup à en prescrire les modalités d'application. S'en tenant aux grands principes, ils préfèrent inviter le législateur à assumer ses responsabilités. La Cour suprême du Canada aura sans doute à statuer prochainement sur cette question, notamment en 1989 dans l'appel sur l'affaire Mahé.

La Commission des écoles fransaskoises

En février, un juge de la Cour du Banc de la Reine de la Saskatchewan statuait en faveur d'un groupe de pression, la Commission des Écoles fransaskoises et des 11 autres requérants qui avaient intenté une action au gouvernement provincial en vertu de l'article 23 de la Charte. Le tribunal jugea à cette occasion qu'un article de la *Loi scolaire* et un article de son règlement d'application étaient incompatibles avec l'article 23. C'est que ni la Loi ni le règlement ne fait état du droit de la minorité d'administrer et de diriger ses propres écoles. La Cour n'a cependant pas retenu les autres demandes des requérants qui souhaitaient que la *Loi scolaire* elle-même soit déclarée incompatible avec l'article 23, que certaines de ses dispositions soient déclarées inopérantes et que le tribunal reconnaisse le droit des francophones à un conseil scolaire homogène de langue française pour l'ensemble de la province.

Le renvoi à l'Île-du-Prince-Édouard

Dans une décision unanime rendue en mars, la Cour suprême (division d'appel) de l'Île-du-Prince-Édouard trouvait plusieurs dispositions de la *Loi scolaire* de cette province et de ses règlements d'application incompatibles avec l'article 23 de la Charte, sans pour autant déclarer ces dispositions inopérantes. La Cour estima en effet qu'une telle déclaration n'était pas de mise dans un renvoi et que le tribunal devait se contenter de répondre aux questions posées par le gouvernement.

Ayant comparu au cours de l'audience pour dénoncer les dispositions de la *Loi scolaire* qui nous semblaient incompatibles avec l'article 23 de la Charte

constitutionnelle, nous ne pouvons que nous féliciter du fait que le tribunal ait non seulement partagé cet avis, mais ait aussi déclaré incompatibles certaines dispositions législatives antérieures. Aux yeux du tribunal, la Loi avait le tort de ne pas prévoir de mécanismes de mise en œuvre des droits à l'instruction dans la langue de la minorité — et qu'il ne suffisait pas de ne pas en nier formellement l'existence, voire d'en permettre l'exercice à certaines conditions pour satisfaire aux exigences de l'article 23. C'est là une conclusion d'autant plus remarquable que la province avait présenté un dossier bien étoffé en droit en faveur de la compatibilité de sa Loi avec la Charte.

En réalité, la *Loi scolaire* de l'Île-du-Prince-Édouard reconnaît des droits aux enfants, tandis que la Charte les attribue aux parents ; la Loi impose aux conseils scolaires, dont la compétence est limitée géographiquement, la charge de dispenser l'enseignement en langue minoritaire, tandis que la Charte ne prévoit pas d'autres limites que celles découlant du nombre d'enfants à l'intérieur de la province ; la Loi dispose que ces droits doivent être reconnus sur demande d'un groupe de parents, tandis que la Charte n'impose aucune obligation semblable et, enfin, la *Loi scolaire* ne fait pas état de la possibilité d'établissements de la minorité, comme le prévoit la Charte lorsque le nombre d'enfants le justifie. La Cour estima de plus que le pouvoir de fixer un nombre minimum d'enfants peut être délégué par l'Assemblée législative au lieutenant-gouverneur en conseil, mais non aux conseils scolaires régionaux. Quant au nombre minimum d'enfants requis pour l'accès à l'instruction en langue française, que la réglementation actuelle fixe à 25 répartis sur trois classes consécutives, le tribunal estima que ce chiffre ne peut dans la conjoncture actuelle être déclaré incompatible avec l'article 23. Mais selon la Cour, la Charte ne confère pas pour autant aux conseils scolaires régionaux le pouvoir discrétionnaire de prescrire un nombre minimum d'enfants. Enfin, toujours selon le tribunal, la réglementation soumise à son examen est incompatible avec l'article 23 dans la mesure où elle ne prévoit aucun mécanisme de participation de la minorité au développement du programme et à l'enseignement de langue française.

L'éducation en langue française au Cap-Breton

Cinquante étudiants, répartis sur neuf années (même si c'était dans des classes distinctes d'une école de langue anglaise), ne constituent pas un nombre suffisant pour justifier la prestation, sur les fonds publics, de l'instruction dans la langue de la minorité. C'est du moins l'avis d'un juge de la Cour suprême de la Nouvelle-Écosse dans un jugement rendu en août à la suite d'une requête du Comité pour l'éducation en langue française de l'île du Cap-Breton.

Le juge rendait ce jugement en dépit du fait que plusieurs écoles de langue anglaise fonctionnent déjà avec un nombre comparable d'écoliers en Nouvelle-Écosse, précisant que s'il s'était agi de 150 étudiants, son jugement aurait été probablement favorable à la demande des requérants d'ouvrir une école française gérée par les francophones. Une bonne partie du jugement est consacrée à l'examen des coûts que cela entraînerait. En conclusion, le juge a estimé que les ministres d'un gouvernement élu sont bien mieux placés qu'un tribunal pour

déterminer l'étendue des coûts et l'allocation des fonds publics à des projets de ce genre. Les juges devraient donc s'abstenir d'intervenir en ces matières, sauf si les autorités font preuve de mauvaise foi, de parti pris ou d'injustice.

Son raisonnement s'inspire apparemment de la doctrine habituelle concernant la révision judiciaire des décisions des tribunaux administratifs : à moins que le tribunal n'ait excédé sa compétence ou ignoré de façon manifeste les règles fondamentales de la justice et de l'équité, les tribunaux supérieurs n'ont pas à se substituer aux autres instances dans l'appréciation du fond d'un litige. Aucune mention n'est faite du caractère constitutionnel des droits garantis à l'article 23 de la Charte et le juge ne signale ni la dimension réparatrice de cet article, ni le fait que l'usage, confirmé par la doctrine et la jurisprudence en matière constitutionnelle, est de donner une interprétation large et généreuse à la loi fondamentale du pays. Le tribunal ne souffle pas mot non plus des décisions antérieures sur ce point, dont celles des tribunaux supérieurs du Québec, de l'Ontario, de l'Alberta, de la Saskatchewan, de l'Île-du-Prince-Édouard, voire de la Cour suprême du Canada. À ses yeux, les classes d'immersion semblent constituer pour les francophones une option aussi acceptable que les classes françaises, en dépit du fait que l'enseignement immersif ne soit offert à Sydney qu'à compter de la septième année et que le français langue seconde n'y soit enseigné qu'à partir de la quatrième année.

Cet arrêt fut suivi en septembre d'une autre décision du même magistrat statuant que la *Loi scolaire* de la Nouvelle-Écosse demeure valide et opérante en dépit de son incompatibilité avec l'article 23 de la Charte constitutionnelle. Sa conclusion se fonde sur le fait que les dispositions contestées de cette loi sont antérieures à la Charte constitutionnelle et qu'elles n'avaient pas pour but au moment de leur adoption de traiter des droits reconnus à l'article 23. L'incompatibilité de ces dispositions avec l'article 23 n'affecterait en rien leur validité, puisque, de toute façon, ces dispositions auraient un aspect complémentaire aux droits reconnus par la Charte, avec lesquels ils pourraient donc coexister.

Le but de la *Loi scolaire* n'était pas, selon le juge, d'établir un régime permettant l'exercice des droits prévus à l'article 23, mais d'autoriser l'établissement d'écoles acadiennes dans les régions de la province où les étudiants francophones sont en nombre suffisant pour justifier l'enseignement en français. Le droit d'un groupe linguistique minoritaire d'exercer un certain degré de gestion et de contrôle sur son établissement pourrait alors s'effectuer sans qu'il soit nécessaire de déclarer inopérant l'article contesté de la Loi, car rien n'empêche un conseil scolaire de langue minoritaire dont l'existence est justifiée par le nombre d'élèves de partager la juridiction dans une région donnée avec un autre conseil scolaire chargé des établissements de la majorité. Chaque conseil scolaire n'aurait alors qu'à gérer les établissements de sa propre clientèle.

Il va sans dire que les requérants ont interjeté appel de ces deux décisions à la Cour suprême de la Nouvelle-Écosse.

La requête de l'AFCSO

L'Association française des conseils scolaires de l'Ontario (AFCSO) s'est adressée au tribunal au cours de l'été dans un triple but :

- faire déclarer inopérants tous les articles de la loi 125 concernant la représentation des francophones au sein des conseils scolaires et la répartition des postes de conseillers ;
- faire invalider les résultats du recensement se rapportant aux listes des électeurs francophones et anglophones ; et
- porter le nombre minimum de conseillers scolaires francophones de trois à cinq.

En octobre, un juge de la Cour suprême de l'Ontario accueillait favorablement l'une des trois demandes de l'AFCSO et émettait une injonction interlocutoire déclarant inopérante la partie de la Loi modifiant le nombre des conseillers scolaires francophones et anglophones, maintenant le critère du nombre d'élèves francophones inscrits pour la répartition des postes de conseillers scolaires. Il lui paraissait en effet convenable et juste, eu égard aux circonstances, de conserver ce critère et d'émettre une ordonnance provisoire déclarant que les parties de la loi 125 destinées à modifier le nombre de conseillers scolaires pour chacun des groupes linguistiques à l'élection de 1988 étaient fondées sur une liste inexacte et insuffisante pour les fins de cette élection. Quant au reste de la requête, son audition a été remise à plus tard. Cette décision se basait à la fois sur la dimension constitutionnelle d'un litige relié à l'article 23 de la Charte constitutionnelle de 1982 et sur l'urgence de statuer sur la validité du scrutin prévu pour le 14 novembre suivant.

Par la suite, au début de novembre, la Cour d'appel renversait ce jugement, estimant que les circonstances ne justifiaient pas l'émission de l'injonction interlocutoire. À ses yeux, il était préférable d'attendre les conclusions du débat de fond pour conclure sur ce point comme sur les autres aspects du litige. Dans l'intervalle, l'intérêt public exigeait, selon elle, que le redressement provisoire retenu en soit un qui cause le moins de bouleversements possible en préservant les intérêts de toutes les parties : d'où une ordonnance aux conseils scolaires intéressés de procéder selon la règle de la double majorité pour trancher toute question ne relevant pas de la compétence exclusive de l'un des groupes linguistiques qui composeraient les conseils scolaires à la suite des élections qui devaient se tenir, comme prévu, le 14 novembre 1988. Toute cette affaire devra donc être plaidée plus tard quant au fond, probablement au cours de l'année prochaine.

La législation scolaire au Manitoba

La Fédération provinciale des comités de parents francophones avait contesté en septembre 1986 la validité de la *Loi sur les écoles publiques* devant la Cour du Banc de la Reine du Manitoba, mais cette poursuite fut suspendue par suite de la

décision du gouvernement provincial le 21 janvier 1987 de soumettre la question à la Cour d'appel. En effet, le 26 janvier 1988, le gouvernement soumettait à cette dernière un renvoi sur la conformité de sa législation scolaire avec l'article 23 de la Charte constitutionnelle.

Comme il l'avait fait dans les autres renvois sur l'article 23 de la Charte en Ontario, en Alberta et à l'Île-du-Prince-Édouard, le Commissaire est intervenu en décembre 1988 dans l'affaire pour exposer sa conception de la portée de l'article 23, en suggérant diverses interprétations susceptibles de s'appliquer avec pertinence dans les différentes provinces, selon leurs situations respectives.

La Cour d'appel, après avoir entendu tous les intervenants, a pris le renvoi en délibéré. Elle devrait se prononcer au cours de 1989.

L'affaire Sheftel

En janvier, en se prononçant dans l'affaire Sheftel, la Cour supérieure du Québec a déclaré nul et inopérant le règlement découlant du chapitre VIII de la *Charte de la langue française*, publié le 16 janvier 1985 dans la *Gazette officielle du Québec*. Elle annulait ainsi la décision de la Commission d'appel sur la langue d'enseignement à l'égard du requérant et renvoyait le dossier à la Commission pour une nouvelle décision.

D'après l'article 73 de la *Charte de la langue française*, un enfant, dont le père ou la mère était domicilié au Québec au moment de la promulgation de la Charte et avait reçu la plus grande partie de son éducation élémentaire en anglais hors du Québec, pouvait s'inscrire dans une école anglaise.

Avant l'adoption du règlement, on s'appuyait sur un calcul arithmétique pour savoir si le parent avait reçu la plus grande partie de son éducation élémentaire en anglais. La durée des études du parent était mesurée en années, en mois, en jours ou en heures ; si le total de la période d'instruction en anglais était supérieur au total de la période d'instruction dans toute autre langue, l'enfant avait droit à l'exemption.

Le règlement est cependant venu limiter le droit à l'exemption en mettant l'accent non sur la langue dans laquelle le parent avait reçu la plus grande partie de son instruction élémentaire, mais sur les autres langues qu'il lui avait été enseignées au cours de cette période. La Cour a jugé qu'on restreignait ainsi les droits des enfants de parents dont les études dans une deuxième langue avaient pu comprendre l'emploi de cette langue ou l'étude d'une troisième langue.

L'intention du législateur ayant été manifestement de permettre aux enfants dont les parents avaient reçu la plus grande partie de leur instruction en anglais de fréquenter l'école anglaise, la Cour a déclaré qu'en restreignant la portée de l'exemption, et en répartissant les personnes ayant reçu la plus grande partie de leur instruction en anglais en deux catégories en fonction d'un aspect secondaire

de leur éducation, le pouvoir exécutif avait outrepassé les pouvoirs que lui avaient confiés l'Assemblée législative. La réduction de la portée de l'exemption, en l'absence d'une autorisation explicite à cet effet dans la Charte, était aux yeux du tribunal une raison suffisante pour infirmer le règlement : la loi n'autorisait pas non plus la création de deux catégories de personnes ayant reçu la plus grande partie de leur instruction en anglais, ni l'exercice d'une discrimination entre ces deux catégories.

L'invalidité du règlement ayant été établie, il s'ensuivait inévitablement que la décision de la Commission devait être cassée parce que l'instruction reçue en langue anglaise par le requérant avait été évaluée selon des critères plus rigoureux que ceux imposés par la Charte elle-même. Le juge a rejeté l'argument selon lequel l'instruction reçue en anglais par le requérant ne correspondait pas, de toute façon, aux critères de la Charte. En effet, c'est précisément à la Commission de répondre à cette question en se fondant uniquement sur les termes de la Charte. Le gouvernement n'a pas porté cette cause en appel.

Des causes linguistiques en réserve pour 1989

En plus de rendre leur avis consultatif dans le renvoi au Manitoba, les tribunaux supérieurs entendront en 1989 plusieurs appels de décisions rendues dans diverses provinces concernant les droits à l'instruction dans la langue de la minorité, notamment dans des causes de l'Alberta, de la Nouvelle-Écosse et de l'Ontario.

Afin que l'article 23 de la Charte produise tous ses effets, on devra apparamment continuer de l'invoquer devant les tribunaux, quitte à en faire sanctionner éventuellement la portée par la Cour suprême du Canada, ce qui, comme nous l'espérons vivement, ne devrait plus tarder, puisque ce tribunal entendra au cours de l'année 1989 l'appel dans l'affaire Mahé.

Les décisions des tribunaux supérieurs pourraient peut-être mettre ici en évidence l'existence de correctifs constitutionnels à ce jour insoupçonnés en ce pays, permettant peut-être d'établir un nouvel équilibre entre le pouvoir législatif et le pouvoir judiciaire. Parallèlement aux renvois de l'Ontario et de l'Île-du-Prince-Édouard concernant la compatibilité de leur législation scolaire avec les dispositions de l'article 23 de la Charte, les tribunaux ont déjà déclaré inopérantes des dispositions importantes des lois scolaires de la Saskatchewan et de l'Alberta. Ils sont même allés plus loin aussi bien en Ontario, en Alberta, en Saskatchewan qu'à l'Île-du-Prince-Édouard, en établissant une obligation positive pour les législateurs provinciaux de modifier leurs lois de façon à respecter les droits constitutionnels à l'instruction dans la langue minoritaire. Mais la plupart des juges, à de très rares exceptions, ont jusqu'à maintenant refusé d'émettre des injonctions ou d'autres procédures exécutoires pour contraindre les autorités scolaires à agir.

S'il est un aspect des droits linguistiques énoncés dans la Charte constitutionnelle de 1982 qui doive recevoir une application rapide, concrète et efficace, c'est bien celui des droits à l'instruction dans la langue de la minorité. Les réseaux scolaires confessionnels, qui se sont développés dans les diverses provinces soumises à l'article 93 de la *Loi constitutionnelle de 1867* ou à une disposition équivalente, ont exercé à cet égard un effet plutôt bénéfique dans le passé. Il faut bien voir cependant que ce n'est qu'au Québec, au Nouveau-Brunswick et, depuis peu mais de façon incomplète, en Ontario qu'a pu se développer un réseau d'écoles contrôlé par la minorité linguistique. Ajoutons par ailleurs que les transformations récentes des secteurs catholique et protestant au Québec y rendent désormais de plus en plus aléatoire cette affirmation sur ce qui concerne la situation des anglo-catholiques et des franco-protestants : en effet, un nombre grandissant de Québécois de langue anglaise fréquentent des écoles catholiques anglophones contrôlées par des commissions scolaires à majorité francophone, alors qu'augmente le nombre des francophones fréquentant des écoles protestantes de langue française contrôlées par des commissions scolaires à majorité anglophone.

Par suite de l'affaire Blaikie (Québec) et des affaires Forest et Bilodeau (Manitoba) ainsi que de la décision de la Cour suprême du Canada dans le renvoi manitobain en 1985, on a constaté que les tribunaux semblent de plus en plus disposés à appliquer en principe à certains droits linguistiques la sanction de nullité, en cas de non-observance de règles impératives, du moins quand il s'agit de dispositions constitutionnelles. Verrons-nous cette évolution s'appliquer un jour aux dispositions de l'article 23 de la Charte sur les droits à l'instruction dans la langue de la minorité ? La réponse dépendra largement, il nous semble, des décisions éventuelles de la Cour suprême du Canada.

À ce jour, les remèdes offerts par les tribunaux en matière de droits à l'enseignement dans la langue de la minorité ont été tempérés, à quelques exceptions près, par le respect qu'ils ont toujours manifesté envers la souveraineté du pouvoir législatif. Sans doute faudra-t-il y mettre le temps, mais nous espérons qu'avec l'évolution de la jurisprudence, nos tribunaux en viendront à s'inspirer, dans de tels cas, de la législation américaine et qu'ils comprendront la valeur de l'injonction systémique. Ainsi pourraient-ils approuver des plans pour assurer le respect de la Constitution et surveiller la mise en œuvre de mesures de redressement. Une intervention réparatrice plus active, de la part des tribunaux, se révélerait sans doute fort utile dans les causes les plus complexes en matière d'enseignement. Il revient cependant aux avocats des requérants de faire preuve d'imagination et de suggérer aux tribunaux des voies de solution.

Reste qu'il demeure toujours loisible au législateur de légiférer sans attendre l'issue finale qui souvent tarde beaucoup à venir. Ainsi, dans un domaine connexe, un important contentieux était en voie de se cristalliser en ce qui touche la langue des procédures devant les tribunaux par suite des affaires Lefebvre et

Paquette (Alberta), Mercure et Tremblay (Saskatchewan), Robin (Manitoba), MacDonald (Québec), St-Jean (Yukon) et SANB (Nouveau-Brunswick).

Certains observateurs ont même cru y déceler une tendance nouvelle, grâce à laquelle les tribunaux ne se contenteraient plus de constater l'invalidité des lois contraires à la Constitution, mais chercheraient à conférer des effets directs, voire politiques, aux textes constitutionnels. Dans la sphère fédérale, la nouvelle *Loi sur les langues officielles* est venue corriger certaines lacunes des règles en vigueur relatives à la langue des tribunaux fédéraux et aux affaires pénales, sans qu'il fût nécessaire de recourir à de nouvelles contestations judiciaires. L'article 23 de la Charte se rapportant aux droits à l'instruction dans la langue de la minorité ne devrait-il pas connaître un sort similaire ? Nous le souhaitons vivement, car le temps presse pour certaines de nos minorités de langue officielle.

Les décisions judiciaires des tribunaux des diverses provinces ont soulevé plusieurs questions sur la nature et la portée véritable de l'article 23. Cela indique qu'il y a une impérieuse nécessité d'obtenir une interprétation qui rende pleinement compte du caractère particulier de cet article. Comme l'a déjà souligné la Cour suprême du Canada dans l'affaire *Quebec Association of Protestant School Boards et al* en 1984, l'article 23 constitue, dans sa spécificité, un ensemble de dispositions constitutionnelles particulier au Canada par lequel le législateur a manifestement voulu corriger par des mesures réparatrices universelles les déficiences des régimes jusqu'alors en vigueur.

Nous avons tout lieu d'espérer que la Cour suprême, qui est de nouveau saisie de la question, pourra statuer de façon claire et précise, d'une manière réparatrice, en s'inspirant des grands objectifs qu'elle a elle-même fixés dans l'arrêt précité relativement à la pleine reconnaissance des droits à l'instruction dans la langue de la minorité.

S'il se trouvait à la lumière de l'expérience acquise au cours des dernières années que la Cour suprême ne soit pas, dans sa sagesse, en mesure de rendre à partir du texte existant de l'article 23 un jugement qui ait cet effet, nous croyons que les autorités compétentes devraient alors engager sans retard le processus approprié en vue de modifier ce libellé pour en clarifier l'objectif et les modalités d'application.

De nombreuses causes québécoises engagées depuis le début de la présente décennie ont par ailleurs fait l'objet en 1988 d'un désistement de la part du procureur général du Québec. Cela est survenu à la suite de la décision du gouvernement provincial de ne pas appliquer la *Loi sur l'enseignement primaire et secondaire public* adoptée sous l'administration précédente et qui avait pour objet de transformer le régime confessionnel en un régime fondé sur l'appartenance linguistique.

Par ailleurs, plusieurs plaideurs ont aussi décidé de laisser sommeiller leur dossier : ainsi, un certain nombre de causes s'appuyant sur l'article 93 de la *Loi constitutionnelle de 1867* pour contester la compétence du gouvernement provincial d'imposer un régime pédagogique aux commissions scolaires protestantes sont restées au point mort, de même que diverses autres contestations touchant certains aspects de la *Charte de la langue française*. On semble avoir voulu attendre l'issue d'autres litiges sur des points de droit connexes déjà plaidés en Cour suprême du Canada, dont celui de la Fédération des commissions scolaires protestantes du Québec.

L'année 1989 s'annonce donc comme une année féconde en éclaircissements sur la portée de dispositions constitutionnelles concernant les langues officielles et sur l'étendue des droits linguistiques dans plusieurs provinces.

La législation linguistique du Yukon

Pendant l'examen en comité législatif par la Chambre des communes du projet de loi C-72 sur les langues officielles, l'Assemblée législative du Yukon adoptait en mai dernier une loi sur les langues qui accepte le fait que le français et l'anglais sont les langues officielles au Canada en déclarant que cette loi constitue un pas important dans la mise en œuvre du statut d'égalité de ces deux langues dans le territoire.

Outre la reconnaissance du français, cette loi prévoit la prestation de services en cette langue au Yukon tout en soulignant l'importance des langues autochtones. Elle stipule également que les autorités entendent prendre des mesures appropriées pour préserver, développer et encourager ces langues ; mesures qui sont entrées en vigueur lors de la sanction de la Loi. À moins d'une indication contraire, les autres dispositions entreront en vigueur le 31 décembre 1992 ou à une date plus rapprochée qui sera déterminée par l'exécutif du territoire.

C'est selon l'importance de la demande ou la nature du vocation que la Loi prévoit, tout comme l'article 20 de la *Charte constitutionnelle de 1982*, la prestation de services territoriaux en français et en anglais. Elle stipule que chacun a le droit d'employer le français, l'anglais ou l'une des langues autochtones du Yukon dans les débats et procédures de l'Assemblée législative, et que les lois et règlements territoriaux seront imprimés en français et en anglais à compter du 31 décembre 1990 pour les lois et règlements à venir. Quant aux autres, une décision sera prise d'ici le 31 décembre 1994. Une fois adoptées dans les deux langues, les deux versions feront également autorité. La Loi établit aussi que chacun pourra employer le français ou l'anglais devant les tribunaux établis par l'Assemblée législative du Yukon.

Le Commissaire territorial en conseil pourra aussi adopter des règlements concernant la prestation des services dans l'une ou l'autre des langues autochtones, l'emploi du français et de l'anglais devant les tribunaux, la traduction des débats

et des procédures à l'Assemblée législative, ou selon qu'il le jugera nécessaire à l'application de la Loi.

À l'instar des Territoires du Nord-Ouest, le Yukon peut reconnaître unilatéralement des droits additionnels au français et à l'anglais ou aux langues des peuples autochtones et fournir des services dans ces langues. Mais les deux territoires ne peuvent modifier ou abroger leur législation concernant les langues que si le Parlement canadien y donne son agrément.

Le Programme d'aide à la contestation judiciaire

Le Comité des droits linguistiques du Conseil canadien de développement social a continué d'apporter cette année son aide financière aux personnes intéressées en vertu du Programme d'aide à la contestation judiciaire. Cette aide s'adresse notamment aux plaideurs qui fondent leurs interventions sur une disposition de la Constitution du Canada relative aux langues officielles ou aux droits à l'instruction dans la langue de la minorité, voire sur les droits à l'égalité devant la justice pénale. Certaines subventions ont aussi été versées pour financer des recherches préalables à une requête en justice. C'est ainsi que des plaignants ont bénéficié d'une assistance financière dans des causes ayant trait à des dispositions législatives touchant le bilinguisme et la langue des services provinciaux au Nouveau-Brunswick en vertu de l'article 20(2) de la *Charte constitutionnelle de 1982*. Enfin, d'autres recherches qui avaient pour objet d'éclaircir certaines questions à caractère théorique ont également fait l'objet d'une aide financière.

4. La région de la Capitale nationale : reflets de la dualité linguistique

Il y a quelque 20 ans, la Commission royale d'enquête sur le bilinguisme et le biculturalisme reconnaissait que la région de la Capitale nationale pouvait devenir le reflet de la dualité linguistique au Canada. Soucieuse d'accélérer la réforme du régime linguistique dans cette région, elle formulait 17 recommandations touchant les services publics (fédéraux, provinciaux et municipaux), les tribunaux, l'enseignement, le transport et la télédiffusion.

Il y a lieu de se réjouir des progrès accomplis au cours des deux dernières décennies. La *Loi sur les langues officielles* de 1969 désignait la RCN « district bilingue », obligeant ainsi les institutions fédérales à offrir activement leurs services en français et en anglais. En 1973, une Résolution parlementaire définissait les grands principes devant régir la langue de travail et la participation équitable des fonctionnaires francophones et anglophones dans la région de la Capitale nationale. Par la suite, le Conseil du Trésor a émis des directives détaillées visant les langues officielles, et la plupart des institutions fédérales se sont dotées d'une politique linguistique. Une génération entière de fonctionnaires fédéraux de la région a travaillé avec énergie au succès de cette réforme. Les progrès furent si marqués au cours de cette période que Maxwell Yalden, deuxième Commissaire aux langues officielles, déclarait en 1983 : « Ceux qui ont bien connu la Capitale nationale du milieu des années 60 seraient sans aucun doute frappés par la transformation qu'a subi dans l'intervalle le climat linguistique de l'administration fédérale... »

La démographie linguistique

Dans la région de la Capitale nationale, la Fonction publique fédérale compte près de 70 000 employés répartis entre 150 ministères et organismes, dont 37 p. 100 sont francophones et 63 p. 100 anglophones. Ces taux de participation reflètent largement la démographie linguistique de la région, laquelle englobe une partie de l'est ontarien et de l'ouest québécois. La RCN compte 819 000 habitants : 462 000 (56,4 p. 100) ont déclaré l'anglais comme leur langue maternelle ; 287 000 (35 p. 100) le français ; et 70 000 (8,5 p. 100) une autre langue. À cet égard, cette région constitue un microcosme de la société canadienne.

Tableau I.3

Répartition des francophones dans les municipalités ontariennes de la RCN, 1986 (selon la langue maternelle)

Municipalité	Francophones	%	Population totale
Ottawa	56 058	18,6	300 763
Gloucester	25 895	28,8	89 810
Vanier	10 916	59,2	18 426
Cumberland*	10 090	37,4	26 999
Nepean	6 293	6,6	95 490
Kanata	1 678	6,1	27 519
Osgoode*	817	7,3	11 197
Goulbourn	530	4,3	12 303
West Carleton*	505	4,3	11 828
Rideau	375	3,7	10 271
Rockliffe	262	12,9	2 033
Total	**113 419**	**18,7**	**606 639**

* Une partie de cette municipalité se situe à l'extérieur de la RCN.

Source: Commission de la Capitale nationale.

Les progrès récents

A l'instar des autres régions du pays, la région de la Capitale nationale possède ses minorités de langue officielle. Les 56 000 francophones d'Ottawa représentent un cinquième de la population totale de la ville, tandis que les 5 000 anglophones de Hull constituent environ le douzième de la population totale de cette agglomération. Sur la rive ontarienne de l'Outaouais, les francophones, au nombre de 113 000, représentent 19 p. 100 de la population ; sur la rive québécoise, la proportion des anglophones, au nombre de 30 000, s'élève à quelque 15 p. 100. Les tableaux I.3 et I.4 situent les collectivités de langue officielle minoritaire dans l'ensemble de la région par rapport à leurs majorités respectives. Dans certaines municipalités, la collectivité de langue minoritaire constitue en fait une majorité à l'échelle locale. Ainsi, à Vanier, les francophones sont plus nombreux que les anglophones, contrairement à Hull-Ouest où les anglophones sont en plus grand nombre que les francophones. Comme on peut s'y attendre, certaines villes du côté ontarien sont entièrement anglophones alors que du côté québécois, certaines sont très majoritairement francophones.

Dans la *Loi sur les langues officielles* de 1988, la région de la Capitale nationale est directement visée par le préambule ainsi que par les articles touchant la langue de service et la langue de travail. Le préambule stipule que le gouvernement du Canada s'est engagé « à promouvoir le caractère bilingue de la région de la Capitale nationale et à encourager les entreprises, les organisations patronales et syndicales, ainsi que les organismes bénévoles à promouvoir la

reconnaissance et l'usage du français et de l'anglais ». En vertu de la Loi, le Secrétariat d'État se voit confier le mandat de coordonner la mise en œuvre des programmes favorisant la réalisation de cet objectif. Compte tenu du rôle de premier plan attribué à la RCN par la nouvelle législation, nous avons jugé opportun d'en sonder le pouls linguistique.

Tableau I.4

Répartition des anglophones dans les municipalités québécoises de la RCN, 1986 (selon la langue maternelle)

Municipalité	Anglophones	%	Population totale
Aylmer	9 817	33,9	28 976
Gatineau	6 935	8,5	81 244
Hull	4 902	8,3	58 722
Hull-Ouest	2 014	51,5	3 908
Pontiac	1 942	49,1	3 955
La Pêche*	1 760	32,7	5 379
Buckingham	1 482	16,8	8 820
Val-des-Monts*	674	15,5	4 353
L'Ange-gardien*	467	22	2 121
Masson*	289	6	4 842
Notre-Dame-de-la-Salette*	35	5,6	624
Total	**30 317**	**14,9**	**202 944**

* Une partie de cette municipalité se situe à l'extérieur de la RCN.

Source: Commission de la Capitale nationale.

Dans notre Rapport de 1984, nous soulignions les progrès accomplis par les autorités fédérales, provinciales et municipales dans la RCN. Nous y recommandions par ailleurs qu'un groupe de travail composé de représentants de tous les paliers de gouvernement s'emploie à mettre au point un plan d'action qui ferait en sorte que la région reflète véritablement la dualité linguistique du Canada. Si les intéressés n'ont pas donné suite à notre recommandation, des progrès ont néanmoins été réalisés. Signalons par exemple que les institutions fédérales ont, dans l'ensemble, réussi à servir le public dans les deux langues officielles. Comme nous le remarquions l'an dernier en matière de services bilingues, les institutions fédérales de la région de la Capitale nationale offrent un rendement satisfaisant aussi bien sous le rapport de la quantité que sous celui de la qualité. Mais la partie n'est pas gagnée pour autant. En 1988, la région a fait l'objet de 526 plaintes touchant surtout la langue de service, ce qui représente 24 p. 100 du total des plaintes reçues. En outre, des déséquilibres persistent en ce qui a trait à la pleine participation des deux groupes de langue officielle au sein de la

Fonction publique dans la RCN et à l'usage du français et de l'anglais au travail. Pour corriger cette situation, nous avons formulé six recommandations l'an dernier.

Sur le territoire ontarien de la RCN, la mise en œuvre de la *Loi sur les services en français* de l'Ontario a permis aux francophones d'avoir accès à un plus grand nombre de services dans leur langue. La plupart des ministères provinciaux ont fait des progrès en ce domaine, et le ministre responsable de l'application de la Loi, M. Bernard Grandmaître, a déclaré que les préparatifs sont en place pour permettre d'offrir un éventail encore plus large de services en français d'ici novembre 1989. Les tribunaux provinciaux de la région d'Ottawa-Carleton sont maintenant en mesure de satisfaire les besoins des francophones. Également, soulignons la création, cette année, d'un conseil scolaire francophone responsable à la fois des écoles publiques et séparées françaises. Une autre initiative d'importance vaut la peine d'être soulignée : la ministre des Collèges et Universités, M^me^ Lyn McLeod, a annoncé que le premier collège communautaire de langue française ouvrira ses portes dans la région d'Ottawa dès 1990. Sur la scène municipale, Ottawa s'est dotée d'une politique linguistique qui en fait un chef de file dans la prestation des services en français. Vanier ainsi que d'autres municipalités ont également fait des efforts en ce sens. Malheureusement, l'affichage bilingue est l'exception plutôt que la règle dans la partie ontarienne de la RCN.

La minorité anglophone de l'ouest du Québec a également vu sa situation s'améliorer depuis 1984. À l'époque, les anglophones bénéficiaient déjà d'un réseau scolaire primaire et secondaire complet. Cependant, l'enseignement postsecondaire en langue anglaise se limitait au programme d'études offert par le Cégep de l'Outaouais. Cette année, le ministre de l'Éducation du Québec, M. Claude Ryan, a décrété l'autonomie du collège Héritage, complétant ainsi le système scolaire anglophone dans l'Outaouais. Conformément à la *Loi constitutionnelle de 1867*, l'appareil judiciaire reconnaît l'égalité des deux langues officielles. L'adoption du projet de loi 142 par l'Assemblée nationale du Québec confirme le droit des anglophones de recevoir des services sociaux et de santé dans leur langue. Les autorités provinciales, de concert avec les organismes locaux de santé, s'emploient à planifier l'amélioration des services en langue anglaise. Dans la plupart des organismes provinciaux et municipaux, la langue d'accueil demeure le français. On peut cependant y obtenir des services en anglais sur demande. Cela dit, les formulaires et les publications des autorités provinciales et municipales ne sont pas toujours disponibles en anglais.

Résultats du sondage

Soucieux de brosser un tableau fidèle de la situation, le Commissariat a demandé à un chercheur de l'Université d'Ottawa de mener une étude sur les services offerts par les secteurs public et privé dans la RCN. Un questionnaire a donc été envoyé à 100 organismes de la région et des suivis téléphoniques ont été effectués. Ont répondu à ce questionnaire des municipalités et des autorités

régionales, des hôpitaux et des services sociaux comptant un minimum de 12 employés, de certains bureaux des deux gouvernements provinciaux, des entreprises de service public et de transport en commun, ainsi que des entreprises ontariennes et québécoises comptant respectivement plus de 100 et plus de 50 employés. La Fonction publique fédérale n'était pas visée par l'étude. Le questionnaire comportait 13 questions sur les exigences linguistiques visant les nouveaux employés et les surveillants, la langue de travail et les préférences linguistiques de la clientèle. Au-delà de l'analyse des réponses, on a, dans certains cas, procédé à l'examen des documents de politique fournis par les répondants.

Les résultats de l'étude montrent que dans les organismes du secteur public ontarien, l'anglais prédomine comme langue de travail, tandis qu'au Québec, c'est le français. La capacité de ces organismes de servir la minorité dans sa langue varie de passable à satisfaisante. Seulement une des 13 municipalités ontariennes et deux des six municipalités québécoises interrogées ont affirmé que les nouveaux employés sont tenus d'avoir une maîtrise fonctionnelle des deux langues officielles. Par contre, la plupart des employeurs municipaux, tant en Ontario qu'au Québec, ont déclaré que le bilinguisme chez les employés était « souhaitable » ou « très souhaitable ». La situation était essentiellement la même au sein des organisations de services sociaux et de santé en Ontario et au Québec. Le chercheur a conclu qu'en général le secteur public est en mesure d'offrir ses services dans les deux langues officielles, mais que les minorités se heurtent toujours à des obstacles. Ainsi, bien que la plupart des grands centres médicaux-sociaux sur les deux rives de l'Outaouais pratiquent le bilinguisme, il arrive qu'un patient de langue minoritaire éprouve des difficultés à être servi dans sa langue.

En ce qui a trait au secteur privé, l'étude révèle qu'en Ontario toutes les entreprises interrogées, sauf une, utilisent l'anglais au travail et nombre d'entre elles ne se soucient guère d'offrir des services en français. Non moins de 12 des 28 entreprises ont affirmé qu'il leur importait peu que les nouveaux employés puissent assurer les services en français. Les données laissent entendre qu'on n'est pas toujours en mesure de servir le public en français, notamment dans le secteur de la technologie de pointe. Les gestionnaires prennent souvent pour acquis que la clientèle francophone est bilingue et, partant, ne voit pas d'objection à être servie en anglais. Heureusement, il y a des exceptions à la règle. Par exemple, Bell Canada, de concert avec l'Association canadienne-française de l'Ontario, a récemment procédé à une étude sur sa capacité de servir les Franco-Ontariens dans leur langue.

L'étude révèle qu'au Québec, le secteur privé attache une grande importance au bilinguisme. Cinq des 26 entreprises ont déclaré que les nouveaux employés sont tenus de maîtriser les deux langues officielles, et la plupart des autres ont affirmé que la connaissance de l'anglais était « souhaitable » ou « très souhaitable ». Nous pouvons donc conclure que la majorité des entreprises québécoises offrent

des services en anglais, même si la langue d'affichage à l'extérieur des commerces doit être le français et que l'accueil ne se fait pas couramment en anglais.

Bien qu'il soit beaucoup trop tôt pour évaluer objectivement les incidences de la nouvelle législation linguistique du Québec dans l'Outaouais, il est fort possible que les limitations en matière de service en anglais soient plus apparentes que réelles. Malgré les préoccupations de la minorité anglophone au sujet des dispositions imposant l'usage du français sur les affiches à l'extérieur des commerces, les résultats de notre recherche montrent clairement que nombre de gestionnaires du secteur privé au Québec sont très sensibles aux besoins de leur clientèle anglophone, et surtout très conscients de la concurrence acharnée que se livrent les entreprises d'Ottawa et de Hull ; ils feront l'impossible pour assurer un service en anglais. Ainsi, nous prévoyons que le nombre d'affiches en langue anglaise à l'intérieur des commerces augmentera, comme le permet la loi 178.

La langue des affaires, une affaire de langues

La situation linguistique des associations bénévoles nationales dans la RCN — bien que nettement insuffisante à notre avis eu égard à leur vocation — semble s'améliorer rapidement. Telle est la conclusion d'une étude rendue publique par la Société canadienne des directeurs d'association (SCDA) à l'occasion d'un colloque de deux jours sur le thème « La langue des affaires, une affaire de langues » qui s'est tenu dans la région. Le colloque, parrainé conjointement par la SCDA, le Secrétariat d'État et notre Commissariat, a réuni 70 représentants des secteurs public et privé, des organisations syndicales et des associations bénévoles qui ont examiné en commun les problèmes que pose la prestation des services en français et en anglais. Selon la SCDA, neuf des 23 associations sur lesquelles son étude a porté s'efforcent d'offrir, dans la mesure du possible, une gamme de services comparables dans les deux langues officielles, tandis que 11 autres se sont dotées d'une politique linguistique et font l'impossible pour qu'à tout le moins les services touchant directement les membres soient offerts en français et en anglais. Cependant, les trois autres éprouvent des difficultés à cet égard.

Rappelant aux participants du colloque que les carences linguistiques des secteurs privé et bénévole durent depuis longtemps, le Commissaire aux langues officielles a remarqué que « les intervenants dans le secteur privé ne peuvent plus se permettre d'adopter une attitude passive ou réactive en ce qui a trait à la langue de service. Ils doivent faire preuve d'initiative s'ils espèrent conserver ou accroître leur part de marché ». Il a ajouté que la question linguistique devait être abordée, dans une entreprise, comme un problème de gestion, tout simplement. Avec un peu d'imagination, les organisations des secteurs privé et bénévole pourraient trouver le moyen d'offrir des services bilingues en faisant appel aux compétences linguistiques des membres des communautés minoritaires et des jeunes diplômés des programmes immersifs.

L'accroissement remarquable des compétences en langue seconde dans la RCN devrait y favoriser l'amélioration marquée des services dans les deux langues.

Selon les dernières données de Statistique Canada, le bilinguisme dans la région a considérablement progressé entre 1971 et 1986, passant de 32,4 à 42,4 p. 100 ; cela aussi bien parmi les jeunes que parmi les aînés, les Québécois et les Ontariens, les francophones et les anglophones. Mais l'évolution est loin d'être symétrique. Si les francophones sont plus souvent bilingues que les anglophones (70 p. 100 contre 23 p. 100), le pourcentage d'anglophones bilingues a augmenté de près de dix points entre 1971 et 1981. Les collectivités québécoises de la région comptent, proportionnellement parlant, plus de personnes bilingues que leurs homologues ontariennes, soit 57 p. 100 contre 35 p. 100. Cependant, en chiffres absolus, on trouve beaucoup plus de personnes bilingues en Ontario qu'au Québec (190 000 contre 96 000) du simple fait que 86 p. 100 des Franco-Ontariens parlent les deux langues et qu'un peu plus de 50 p. 100 des Anglo-Québécois possèdent cette compétence. Compte tenu de l'évolution rapide de la situation linguistique au cours des dernières années, il serait fort utile de procéder à de nouvelles études en cette matière[1].

Le rôle de la Commission de la Capitale nationale

Le mandat de la Commission de la Capitale nationale a été revu et élargi en 1988. En vertu de la *Loi modifiant la Loi sur la Capitale nationale*, la Commission est tenue : « d'organiser, de parrainer ou de promouvoir, dans la région de la Capitale nationale, des activités et des manifestations publiques enrichissantes pour le Canada sur les plans culturel et social, en tenant compte du caractère fédéral du pays, de l'égalité du statut des langues officielles du Canada ainsi que du patrimoine des Canadiens ».

La Commission s'est depuis longtemps distinguée en offrant un service exemplaire en français et en anglais et en projetant une image bilingue. Il lui reste cependant certains problèmes à régler en matière de langue de travail et de pleine participation. Chaque année, la Commission met sur pied d'importantes manifestations affirmant la dualité linguistique du pays, telles que Bal de Neige et la Fête du Canada. En outre, elle administre le Programme de bilinguisme externe — dont le budget annuel de 300 000 dollars n'est pas toujours entièrement utilisé — qui a pour objet de promouvoir les langues officielles dans les secteurs privé et bénévole au sein de la RCN. C'est ainsi que la Commission a été en mesure, au cours des années, d'aider nombre d'organisations sans but lucratif à offrir leurs services dans les deux langues officielles.

Compte tenu du mandat de la Commission et de l'accent que met la *Loi sur les langues officielles* de 1988 sur la coopération entre les secteurs public et privé, nous croyons que d'autres projets de ce genre doivent être mis en œuvre afin

[1] Exception faite du pourcentage global des bilingues (42,4 p. 100), lequel est tiré du recensement de 1986, toutes les autres données proviennent de celui de 1981.

d'accélérer la réforme du régime linguistique dans la région de la Capitale nationale. Il est grand temps de donner suite à notre recommandation de 1984.

Le colloque sur la langue des affaires est sans conteste un pas dans la bonne voie, mais il n'en demeure pas moins une initiative à très court terme. Il nous reste encore du chemin à parcourir. Si la législation ou les priorités provinciales peuvent limiter les initiatives dans certains secteurs, les possibilités d'accroître la coopération sont nombreuses, notamment dans le domaine des services au public. Microcosme de la société canadienne, voire même bastion du bilinguisme canadien, la RCN joue un rôle de premier plan dans la réforme de notre régime linguistique.

Nous recommandons :

- **au Secrétariat d'État et à la Commission de la Capitale nationale de mettre au point un mécanisme qui assurerait une plus grande collaboration entre tous les responsables et tous les intéressés afin d'affermir le caractère bilingue de la région de la Capitale nationale ;**

- **conformément aux prescriptions de la *Loi sur les langues officielles* de 1988, au Secrétariat d'État d'envisager des ententes-cadres avec les provinces de l'Ontario et du Québec afin d'assurer la pleine reconnaissance de la dualité linguistique de même que la reconnaissance et l'usage du français et de l'anglais dans la région de la Capitale nationale.**

PARTIE II

Analyse : comment le fédéral joue le jeu

1. Politiques et programmes : il faut un nouveau départ !

Nous présentons dans ce chapitre d'autres aspects des politiques et des programmes du Conseil du Trésor, de la Commission de la Fonction publique et du Secrétariat d'État et nous aborderons les mécanismes qu'utilise le gouvernement pour s'acquitter de ses obligations.

En plus d'énoncer la politique canadienne et les engagements du gouvernement, la *Loi sur les langues officielles* de 1988 confirme, tout en les précisant, les rôles des agents gouvernementaux en matière de langues officielles. Elle met ainsi fin à une ambiguïté et à une confusion dans les rôles qui ont nui considérablement à la mise en œuvre du programme jusqu'à ce jour. Il est clair qu'au sein de l'appareil fédéral, le Conseil du Trésor est désormais responsable de l'élaboration, de la coordination et du contrôle des politiques et des programmes relatifs au service au public, à la langue de travail et à la participation des deux collectivités de langue officielle. Cela vaut non seulement pour les ministères et organismes, mais aussi pour les sociétés d'État qui représentent environ 60 p. 100 des employés fédéraux. Bien qu'elle ne soit pas citée nommément, la Commission de la Fonction publique y retrouve ses domaines de responsabilité dans les articles sur la participation des deux groupes de langue officielle (où l'on précise que cet aspect de la Loi ne saurait porter atteinte au principe du mérite). En outre, les exigences linguistiques des postes doivent avoir un caractère objectif pour ainsi maintenir un équilibre entre les besoins de bilinguisme de la Fonction publique et les possibilités de carrière des employés. Le Secrétariat d'État, pour sa part, se voit confier la promotion du français et de l'anglais dans la société canadienne, la coordination des efforts des organismes fédéraux à cet égard et l'aide aux minorités.

Soulignons que l'attribution de ces rôles aux organismes centraux n'altère en rien les obligations des organismes individuels qui, dans le cadre du processus de décentralisation, voient leurs responsabilités accrues. Il en va de la nature même des mécanismes d'imputabilité de constituer une chaîne dynamique qui, partant des divers centres de responsabilité, monte par les institutions et les organismes centraux jusqu'au Conseil privé. Ce dernier, sans que ce ne soit mentionné spécifiquement, conserve son rôle de coordinateur et de conseiller sur les grandes politiques.

La Loi ayant distribué les rôles principaux, il est à prévoir que les règlements définiront les rôles secondaires et fourniront plus de détails au sujet des politiques et des programmes. Entre-temps, examinons, pour 1988, la performance de ces trois grands acteurs que sont le Secrétariat du Conseil du Trésor, la Commission de la Fonction publique et le Secrétariat d'État. Quant au budget de l'ensemble, il est présenté au tableau B.1.

Organismes centraux

Secrétariat du Conseil du Trésor

Les débats entourant l'adoption du projet de loi C-72 ont évidemment retenu une bonne partie des efforts du Secrétariat qui s'est entouré pour l'occasion d'un comité consultatif formé de sous-ministres. En septembre, le Secrétariat communiquait à tous les ministères et organismes des éclaircissements sur les mesures transitoires à mettre en place, insistant sur le fait que les politiques actuelles demeuraient en vigueur. Pendant ce temps, les travaux d'élaboration des règlements entrepris en 1987 se poursuivent, mais l'on ne peut espérer qu'ils soient adoptés prochainement. Cette longue période d'attente devra donc être employée à amorcer le renouveau attendu depuis longtemps — n'oublions pas après tout que la Loi s'applique dans la quasi-totalité de ses dispositions depuis le 15 septembre 1988.

Aussi, les initiatives visant à promouvoir l'offre active de services dans les deux langues sont-elles précieuses. La diffusion du nouveau symbole qui permet au public de repérer les points de service et les employés bilingues, la parution d'une nouvelle édition du répertoire des bureaux bilingues et la production d'une bande vidéo pour la formation des employés en contact avec le public constituent autant de réalisations positives. Du côté de la langue de travail, le Secrétariat du Conseil du Trésor a réédité le guide sur la présidence des réunions bilingues et en a élargi la distribution. Les travaux du comité sur l'utilisation du français dans le domaine scientifique devraient aboutir, au début de 1989, à la publication d'un rapport qui sera suivi d'une politique sur l'usage des langues officielles dans l'informatique. Par ailleurs, dans le but de rendre plus explicite la notion de « milieu de travail propice », le Secrétariat du Conseil du Trésor se propose d'examiner les facteurs qui favorisent ou entravent le libre choix et l'usage effectif des deux langues officielles. Souhaitons que cette étude, qui n'est pas la première de ce genre, ne retarde pas la mise en place de mesures efficaces pour assurer le respect des droits des employés fédéraux. Une brochure destinée à ces derniers, décrivant les faits saillants de la Loi, était d'ailleurs en préparation à la fin de l'année.

En vue de poursuivre le redressement du faible taux de participation des anglophones dans la Fonction publique fédérale au Québec, le Secrétaire a demandé aux sous-ministres responsables d'identifier et d'enrayer les facteurs techniques affectant la situation et de faire rapport à la Commission de la Fonction publique.

En matière de formation linguistique, le Secrétariat du Conseil du Trésor a promulgué une nouvelle politique. Conformément à la Loi, le Conseil du Trésor a

mis sur pied un programme d'aide financière aux sociétés d'État pour faciliter la mise en œuvre de la partie de la Loi touchant la langue de travail. Une quinzaine de sociétés ont présenté des demandes et elles devraient obtenir le remboursement de 50 p. 100 de leurs dépenses.

Le régime d'accroissement des pouvoirs et des responsabilités ministériels en matière de langues officielles a été lancé en 1986. Cependant, au moment d'écrire ces lignes, seulement quatre protocoles d'entente ont été conclus entre les ministères et le Secrétariat du Conseil du Trésor, et 12 en sont encore à l'étape de la négociation. Cette situation représente un retard sérieux sur l'échéancier qui prévoyait la signature de 14 protocoles avant le 31 mars 1988. Quant aux autres organismes, ils soumettront simplement au Secrétariat un rapport sur les progrès accomplis. Il nous apparaît donc urgent que le Secrétariat du Conseil du Trésor accélère la négociation de ces protocoles. Par ailleurs, l'examen préliminaire des protocoles d'entente déjà signés révèle un certain nombre de lacunes, et ce, malgré la diffusion du guide qui tient généralement compte des dispositions de la *Loi sur les langues officielles* de 1988. À notre avis, le Secrétariat du Conseil du Trésor devrait accélérer la négociation des protocoles d'entente et s'assurer que les futurs protocoles contiennent, pour tous les aspects du programme, des objectifs mesurables et précis, assortis d'échéances rapprochées, d'indicateurs de rendement et de mesures de contrôle plus serrées.

On complète les ententes et les rapports par quelques vérifications au sein d'institutions et c'est justement le cadre d'imputabilité de la gestion qui s'est avéré être un point faible dans les vérifications effectuées par le Secrétariat entre 1985 et 1988. Nos propres constatations confirment d'ailleurs la faiblesse des contrôles mis en place. Tout récemment, l'offre active de services au téléphone dans les bureaux bilingues inscrits au répertoire et l'utilisation du symbole des langues officielles ont fait l'objet d'un examen. Parallèlement, le Secrétariat poursuit ses efforts de sensibilisation à la question des langues officielles auprès des vérificateurs internes des organismes.

Dans l'attente des règlements, il est essentiel que le Secrétariat du Conseil du Trésor, par ses activités, entretienne auprès des ministères et organismes l'effet d'entraînement créé par la Loi. Tout d'abord, certaines des politiques et des directives qu'il a émises par le passé — et que les ministères ont quelquefois adaptées à leurs propres besoins — devront être revues à la lumière des nouveaux textes. Ensuite, il serait souhaitable que le cadre de délégation des responsabilités soit révisé et que les ressources consacrées aux langues officielles dans les ministères soient réévaluées. Finalement, l'élément central que constitue l'information du public et des employés de l'État devra faire l'objet d'une attention particulière. À cet égard, nous nous réjouissons de la tenue, au début de 1989, d'un symposium réunissant les directeurs des langues officielles des ministères. Le Commissaire a fait de son mieux pour transmettre le message d'un

bout à l'autre du pays, mais il ne saurait se substituer à l'employeur. Dans cet esprit d'information et d'échange, nous demandons au Conseil du Trésor d'ouvrir et d'entretenir la discussion avec les principaux intéressés sur des sujets de préoccupation commune comme la participation équitable, la création de milieux propices au travail dans les deux langues officielles, la demande importante, etc. On pourrait envisager à cette fin l'organisation de colloques sur des thèmes particuliers qui serviraient de catalyseurs à des échanges d'idées novatrices. De cette façon, l'élan donné par la Loi serait maintenu et transformé en mesures concrètes dont le public et les employés fédéraux pourront bénéficier.

Commission de la Fonction publique

La plupart des domaines de compétence de la Commission de la Fonction publique — dotation, évaluation, formation — jouent un rôle majeur dans la mise en œuvre des programmes de langues officielles. Ainsi, les dispositions de l'article 91 de la *Loi sur les langues officielles* de 1988 amèneront le Conseil du Trésor, les institutions fédérales ainsi que la Commission à réfléchir sur le caractère objectif des exigences linguistiques des postes au moment de la dotation.

De façon générale, le profil de la Fonction publique se dessine surtout au moment de la dotation. La mise en œuvre des deux aspects fondamentaux de l'accès aux emplois publics, soit le mérite et l'équité, est assurée par la Commission qui doit veiller, par le biais du recrutement, à ce que l'administration fédérale reflète la composition de la société canadienne de façon aussi fidèle que possible. Pour notre part, nous nous intéressons de près à la présence des deux groupes de langue officielle. Nous souhaitons donc que la Commission se penche sur les déséquilibres sectoriels (régions, catégories et groupes d'emploi) et sur les possibilités d'évolution dans le but évident de parvenir à une distribution des employés plus juste et plus représentative dans la Fonction publique.

Ces questions ne sont pas sans conséquences sur un autre domaine de la Commission de la Fonction publique, soit la formation. En effet, il existe dans la société canadienne des déséquilibres d'ordre professionnel entre les deux groupes linguistiques. Ainsi, on trouve environ 15 p. 100 de francophones en météorologie, mais 30 p. 100 en psychologie. Il ne saurait être question pour autant de considérer ces situations comme des modèles à suivre dans la Fonction publique. Il appartient alors à la Commission, en collaboration avec les organismes les plus intéressés, de mettre sur pied les programmes nécessaires pour assurer un accès équitable aux deux collectivités de langue officielle.

Malheureusement, la formation professionnelle que dispense la Commission de la Fonction publique est davantage disponible dans une langue que dans l'autre. Le pourcentage de francophones qui ont suivi des cours en français a augmenté de 18 p. 100, alors que le pourcentage de ceux qui en ont suivi en anglais s'est accru de 24 p. 100. En 1988, plus de 30 cours différents ont été donnés en anglais seulement durant les neuf premiers mois de l'année. Dans de telles conditions, et malgré les efforts de la Commission, il est difficile de juger la situation équitable.

En matière d'évaluation linguistique, des versions abrégées des tests mesurant la compétence en lecture et en rédaction ont été approuvées par la Commission : ces nouvelles versions n'ont évidemment aucun effet négatif sur la validité des résultats, mais elles permettront un gain de temps appréciable car ces tests sont utilisés de plus en plus fréquemment, en particulier pour la confirmation de la prime au bilinguisme.

Les objectifs de la Loi qui concernent la Commission seraient mieux atteints si elle faisait preuve d'un plus grand leadership. Ne peut-on en effet concevoir le rôle de cet organisme central comme étant d'animer et d'orchestrer les activités reliées à son mandat ?

Secrétariat d'État

Les activités du Secrétariat d'État en matière de langues officielles se divisent entre les programmes de promotion auprès des minorités et de la société canadienne en général, et les services de traduction, d'interprétation et de terminologie. La promotion est tournée vers l'extérieur de la Fonction publique : soutien aux minorités, à ses associations et aux activités culturelles, coordination des efforts des autres organismes fédéraux dans ce sens, sensibilisation de la majorité, aide à l'éducation et à l'enseignement de la deuxième langue officielle, collaboration avec les provinces, le secteur privé et les organismes bénévoles.

Quant aux services de traduction, d'interprétation et de terminologie, ils sont avant tout destinés à faciliter le fonctionnement des ministères et des organismes fédéraux dans les deux langues officielles. Afin de pallier l'augmentation croissante de la demande et la réduction progressive de ses effectifs, le Secrétariat d'État fait de plus en plus appel au secteur privé pour la traduction : 20 p. 100 en 1986-1987, 30 p. 100 en 1988-1989. Pour l'interprétation, la proportion atteint 50 p. 100. Par ailleurs, il renforce sa position d'innovateur au plan technique, en particulier dans le domaine de la traduction spécialisée.

Mécanismes de mise en œuvre

Exigences linguistiques des postes

L'une des structures de base de la mise en œuvre de la première *Loi sur les langues officielles* dans la Fonction publique a été la création, en 1973, de trois catégories de postes : unilingues (français ou anglais), bilingues et « alingues » (appelés « réversibles », ces postes peuvent être occupés indifféremment par des titulaires unilingues de langue française ou anglaise, ou par des bilingues).

Contrairement au mythe qui a cours dans certains milieux où l'on croit qu'il faut être bilingue pour obtenir un poste dans les institutions fédérales, il existe 136 000 postes unilingues (65,7 p. 100), 122 000 de langue anglaise et 14 000 de langue française, 62 000 postes bilingues (28,6 p. 100) et 11 000 postes réversibles (5,4 p. 100). Les anglophones unilingues ont donc accès à 133 000 postes et les francophones unilingues à 25 000, sans compter, pour les deux groupes, un certain nombre de postes bilingues. En effet, seuls les postes bilingues dits « impératifs » exigent la connaissance des deux langues officielles au moment même de la nomination.

Une des nouveautés de la *Loi sur les langues officielles* de 1988 est l'article 91 qui stipule que les obligations en matière de langue de service et de langue de travail n'autorisent « la prise en compte des exigences relatives aux langues officielles, au moment d'une dotation en personnel, que si elle s'impose objectivement pour l'exercice des fonctions en cause ». La Loi nous fournit ainsi la confirmation claire que l'on ne saurait attribuer à un poste que les exigences linguistiques qui lui correspondent, et ce, de façon objective. Tout comme le niveau hiérarchique et salarial du poste, l'identité linguistique doit refléter la réalité.

Autrement dit — mais cela ne devrait pas présenter de changement par rapport aux pratiques actuelles — il ne saurait être question, par exemple :

- de désigner « anglais essentiel » un poste qui devrait être réversible ou bilingue ;
- de désigner bilingue un poste qui devrait être « français essentiel » ;
- de désigner un poste bilingue de façon impérative sans raison, ou ;
- d'attribuer à un poste bilingue le niveau de compétence intermédiaire, au lieu du niveau supérieur.

L'intégration de cette nouvelle clause amènera certainement plusieurs gestionnaires à considérer très attentivement les exigences linguistiques des postes dont ils sont responsables, en particulier au moment de la dotation. Ainsi, alors que l'expérience nous montre que les compétences en interaction orale sont souvent insuffisantes, nous ne sommes pas loin de penser que les profils linguistiques de certains postes sont trop exigeants en ce qui touche la capacité de rédiger. Des milliers de fonctionnaires n'ont pas à consacrer leur journée entière à préparer des rapports ou à rédiger des lettres. Les profils linguistiques de tels postes devraient donc tenir compte davantage des différents besoins selon les types de compétence linguistique : moins élevée en rédaction, plus élevée en lecture et en interaction orale. C'est à une attitude réaliste de cette sorte que nous invite l'article 91.

Cet article de la Loi devrait également favoriser la poursuite du rééquilibrage des niveaux de compétence des postes bilingues. En effet, ainsi que le démontre le tableau II.1, la proportion de postes n'exigeant que le niveau élémentaire continue de diminuer alors que le pourcentage de postes de niveau linguistique supérieur poursuit sa croissance. Cette évolution des exigences linguistiques des postes nous semble correspondre à un plus grand réalisme face aux nécessités du service au public et aux employés.

Passant des postes aux employés bilingues (tableau II.2), on note avec intérêt qu'il existe plus de 20 500 titulaires de postes bilingues qui bénéficient d'une

exemption des tests linguistiques et qui, par conséquent, sont considérés comme possédant une connaissance plus élevée que le niveau supérieur. On ne saurait cependant passer sous silence le fait qu'environ 9 500 titulaires de postes bilingues (15,9 p. 100) ne répondent toujours pas aux exigences linguistiques de leur poste. D'un autre côté, 13 000 employés bilingues occupent des postes unilingues. Ainsi, on peut estimer la capacité bilingue totale de la Fonction publique à environ 66 500 employés, soit 32 p. 100. Cette proportion serait encore plus enviable si le déploiement correspondait davantage aux besoins.

Tableau II.1

Niveau linguistique des postes bilingues[1] — 1986, 1987 et 1988

Niveau exigé	1986	1987	Écart 1986-1987 (%)	1988	Écart 1987-1988 (%)
Élémentaire (A)	6 464	5 835	-9,7	4 601	-21,1
Intermédiaire (B)	49 758	48 250	-3,0	46 374	-3,9
Supérieur (C)	5 633	6 192	+9,9	6 829	+10,3
Autres	2 187	2 388	+9,2	2 346	-1,8
TOTAL	**64 042**	**62 665**	**-2,2**	**60 150**	**- 4,0**

[1] Le niveau utilisé est celui de l'interaction orale.

Source : Système d'information sur les langues officielles.

Tableau II.2

Niveau de compétence des employés bilingues — 1988

Niveau	dans postes bilingues	%	dans postes unilingues	%	TOTAL	%
Élémentaire (A)	4 935	9,2	4 411	34,0	9 346	14,1
Intermédiaire (B)	19 870	37,2	5 463	42,1	25 333	38,1
Supérieur (C)	8 083	15,1	1 279	9,9	9 362	14,1
Exemption (E)	20 611	38,5	1 813	14,0	22 424	33,7
TOTAL	**53 499**	**100,0**	**12 966**	**100,0**	**66 465**	**100,0**

Source : Système d'information sur les langues officielles.

Les postes bilingues sont évidemment répartis de façon inégale géographiquement, les besoins variant d'une région à l'autre. Comme l'indique le tableau II.3, on assiste depuis quelques années à une sorte de « décentralisation » des employés bilingues de la région de la Capitale nationale vers le reste du pays. Cette tendance nous semble sensée, dans la mesure où elle facilitera la prestation de services dans les deux langues officielles, mais elle devra s'accentuer nettement pour permettre d'assurer un meilleur service à plusieurs communautés minoritaires.

Tableau II.3

Postes et titulaires bilingues par région — 1984-1988

	1984				1988			
	Postes bilingues		Titulaires bilingues		Postes bilingues		Titulaires bilingues	
Région	**Nombre**	**%**	**Nombre**	**%**	**Nombre**	**%**	**Nombre**	**%**
Territoires et provinces de l'Ouest	1 223	1,9	1 036	1,9	1 404	2,3	1 127	2,2
Ontario	2 552	4,0	2 156	4,0	2 526	4,2	2 084	4,1
Région de la Capitale nationale	40 050	63,3	33 617	61,9	37 133	61,8	30 243	59,8
Québec	15 768	25,0	14 584	26,9	15 354	25,3	13 971	27,6
Nouveau-Brunswick	2 474	3,9	2 043	3,8	2 477	4,1	2 147	4,3
Autres provinces de l'Atlantique	1 054	1,7	800	1,5	1 080	1,8	840	1,7
Extérieur du Canada	42	0,1	30	0,1	176	0,3	170	0,3
TOTAL	**63 163**	**100,0**	**54 266**	**100,0**	**60 150**	**100,0**	**50 582**	**100,0**

Source : Système d'information sur les langues officielles

Quant aux deux groupes de langue officielle, quelle est leur représentation dans les postes bilingues ? Comme nous l'avons mentionné plus haut, il existe 122 000 postes « anglais essentiel » et seulement 14 000 « français essentiel ». Dans ces conditions, il n'est que normal de trouver davantage de francophones dans les postes bilingues. Globalement, les anglophones occupent 37,6 p. 100 de ces postes et les francophones 62,4 p. 100. À mesure que s'accroît le bilinguisme des anglophones, il serait logique — et souhaitable — que leur part augmente, ce qui supposerait cependant un accroissement du pourcentage des postes « français essentiel ». La répartition des deux groupes varie fortement selon les catégories d'emploi et en fonction d'une progression qui suit l'échelle des catégories (tableau II.4).

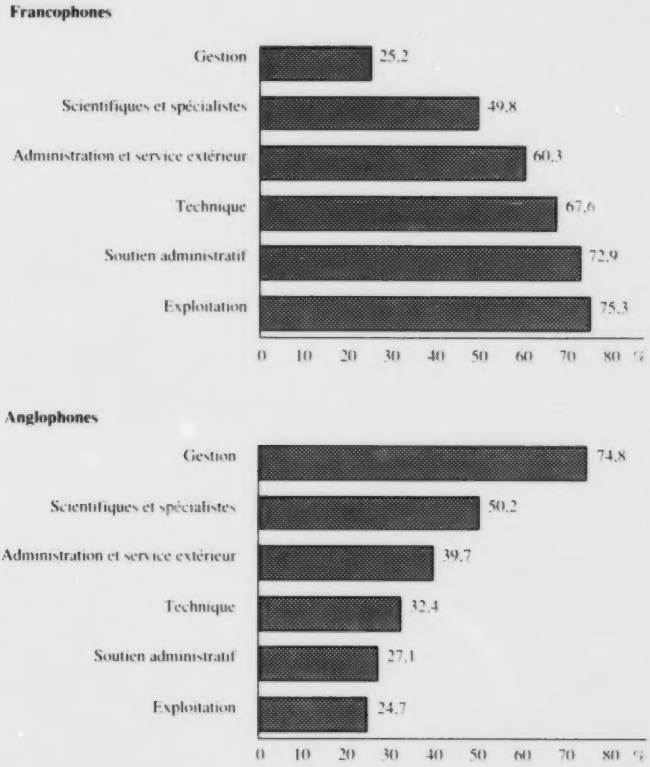
On trouve une répartition hiérarchique similaire dans les 6,9 p. 100 des postes « français essentiel » (tableau II.5). Ces postes, on ne s'en surprendra pas, sont concentrés à 96 p. 100 au Québec. La région de la Capitale nationale en possède 3,7 p. 100, l'Ontario 0,1 p. 100 et le Nouveau-Brunswick 0,2 p. 100.

Dotation impérative

La dotation impérative, qui exige qu'un candidat soit bilingue avant de pouvoir être nommé à un poste bilingue, fait régulièrement l'objet de débats, parfois virulents. Pour plusieurs, il n'y a rien de plus normal que d'appliquer le principe du mérite au domaine linguistique ; pour d'autres, il s'agit plutôt d'une procédure discriminatoire qui nuit à leurs chances d'avancement.

Tableau II.4

Représentation des francophones et des anglophones dans les postes bilingues.



Source : Système d'information sur les langues officielles

On constatera, au tableau II.6, que de plus en plus de candidats à des postes bilingues — impératifs et non impératifs — sont déjà bilingues au moment de leur nomination. Inversement, le pourcentage de fonctionnaires qui doivent aller en formation linguistique est en régression. Quant aux candidats qui sont dispensés de répondre aux exigences linguistiques de leur nouveau poste pour des raisons d'âge ou d'ancienneté, leur part est demeurée relativement stable.

Même si l'on ne considère que les nominations non impératives, on s'aperçoit que les candidats répondent de plus en plus aux exigences linguistiques des postes bilingues : 70,7 p. 100 en 1981 et 82,8 p. 100 en 1988. Par conséquent, le bassin d'employés bilingues semble de plus en plus apte à répondre aux besoins de la Fonction publique, sauf en ce qui a trait au personnel de soutien.

Tableau II.5

Postes « français essentiel » par catégorie – 1988

	Nombre	%
Gestion	2	0,0
Scientifiques et spécialistes	595	4,2
Administration et service extérieur	2 095	14,7
Technique	1 176	8,3
Soutien administratif	5 365	37,7
Exploitation	5 005	35,1
TOTAL	**14 238**	**100,0**

Source : Système d'information sur les langues officielles.

Ainsi, compte tenu de la présence d'environ 66 500 employés bilingues dans la Fonction publique, auxquels s'ajoutent, bon an mal an, quelque 1 800 personnes bilingues de l'extérieur, le fait de recourir à des nominations impératives dans environ la moitié des cas de dotation de postes bilingues (soit 17,5 p. 100 de l'ensemble des nominations) semble compatible avec le principe du mérite, et conforme à l'esprit de l'article 39 de la Loi.

Tableau II.6

Pourcentages de nominations à des postes bilingues pour une période indéterminée[1] — 1981-1988

	1981	1982	1983	1984	1985	1986	1987	1988[2]
Candidats déjà bilingues	75,7	80,1	81,8	83,4	86,1	87,4	90,8	91,6
Formation linguistique nécessaire	21,0	15,3	13,4	12,1	10,4	7,7	5,1	5,3
Exclus pour raisons d'âge ou d'ancienneté	3,3	4,6	4,8	4,5	3,5	4,9	3,7	3,1

[1] Toutes les nominations à des postes bilingues pour une période déterminée se font sur une base impérative.

[2] Janvier à septembre

Source : Commission de la Fonction publique

Rappelons que dans cet article, le gouvernement s'engage à ce que les francophones et les anglophones (sans égard à la première langue apprise) aient des chances égales d'emploi et d'avancement dans les organismes fédéraux. Le maintien d'une certaine proportion de dotation non impérative, que nous continuons de préconiser, oblige à offrir davantage une formation linguistique aux candidats à la fois désireux et capables de devenir bilingues, garantissant

ainsi l'accès et le progrès aux unilingues francophones et anglophones. Cette ouverture sur la formation linguistique est au cœur même de notre système et toute réduction dans ce secteur créerait des injustices et s'attaquerait à l'équilibre du système.

Formation linguistique

Politique

Une nouvelle politique découlant des décisions du Conseil du Trésor d'octobre 1986 et heureusement révisée en profondeur en juin 1988 a été rendue publique en novembre dernier. De façon générale, elle accorde aux ministères et organismes sous sa juridiction une responsabilité accrue, tant dans la gestion de la formation linguistique que dans l'établissement de milieux de travail propices au maintien et au perfectionnement des connaissances acquises, condition qui vient s'ajouter à l'obligation pour les anciens étudiants de faire fructifier leurs acquis linguistiques ; obligation que nous réclamions à grands cris. On doit se féliciter de l'inclusion de ces deux clauses dans les « contrats » de formation linguistique.

Outre un certain réaménagement des durées de formation autorisées, on remarque dans cette politique une juste division entre les besoins statutaires (dotation, identification, etc.), les besoins généraux (cours pour la haute direction, cours de rattrapage), les besoins reliés à la planification des ressources humaines et les aspirations des employés. Dans les trois premiers cas, la formation se donne pendant les heures de travail et dans les deux premiers, elle est dispensée sans frais par la Commission de la Fonction publique. La formation qui répond aux aspirations des employés sera normalement suivie en dehors des heures de travail ; la politique encourage cependant les gestionnaires à faciliter l'accès des employés à cette formation.

Après le 1er avril 1990, la formation reliée aux besoins statutaires et généraux que fournira l'entreprise privée sera à la charge des ministères. Il en sera ainsi de tout autre type de formation linguistique, que cette formation soit fournie par la Commission ou l'entreprise privée. Un fonds de six millions de dollars sera réparti entre les divers organismes afin de les aider à assumer ces dépenses.

Cette politique favorise un large accès à la formation linguistique, répondant ainsi à l'esprit de l'article 39 de la Loi. En effet, dans cet article, le gouvernement s'engage à ce que francophones et anglophones (sans égard à la première langue apprise) aient des chances égales d'emploi et d'avancement dans les organismes fédéraux.

À cet égard, et en tenant compte de l'engagement du gouvernement à promouvoir « la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne » (article 41), prévu par la Loi, nous proposons que la Commission de la Fonction publique étudie l'évolution du bilinguisme chez les Canadiens par rapport aux besoins linguistiques de la Fonction publique. Il serait

profitable, en particulier, d'examiner les conséquences de l'arrivée des premiers diplômés des cours d'immersion sur le marché du travail.

Par ailleurs, il nous semble essentiel d'assurer, par un contrôle continu, la qualité de l'enseignement fourni par le secteur privé et l'efficacité des mécanismes d'accréditation des entreprises privées.

Cours Comme l'indique le tableau II.7, l'année a été marquée par une remontée du nombre de demandes pour des cours continus. Cet accroissement, combiné à la réduction du personnel, a amené la Commission à refuser 45 p. 100 des 2 189 demandes reçues entre avril et septembre 1988. Ces demandes incluent une bonne proportion de candidats prioritaires (nomination à des postes bilingues, rehaussement du profil linguistique), pour qui un retard dans la formation linguistique représente un inconvénient appréciable. L'inconvénient risque d'être encore plus grand pour le public qu'ils sont censés servir dans les deux langues. En fin d'année, la Commission estimait que le problème était de nature essentiellement temporaire. On peut cependant se demander si les ressources consacrées à la formation linguistique n'ont pas été indûment réduites, auquel cas le « temporaire » risquerait de durer. Nous incitons la Commission à tout mettre en œuvre afin de fournir aux ministères les ressources bilingues indispensables.

Tableau II.7

Inscriptions	1983	1986	1987	1988*
Inscriptions à la formation de base continue	3 229	1 898	1 452	1 467
Inscriptions aux autres cours	8 978	19 028	18 978	15 287
Total du personnel (enseignants et autres)	744	744	588	548

* Prévision basée sur les données des trois premiers trimestres

Source : Commission de la Fonction publique

Le programme supérieur de formation linguistique s'est terminé en mars 1988. Au cours de ses six années d'existence, il aura accueilli 316 participants ; 49 ont obtenu l'exemption et 144 le niveau avancé.

Les cours destinés à amener les membres anglophones de la haute direction des régions bilingues du niveau intermédiaire au niveau supérieur (en lecture et en conversation) ont débuté cette année. Ce programme a permis de constater que certains fonctionnaires ne possédaient plus le niveau intermédiaire. Les 35 premiers candidats ont entamé leur formation de dix semaines, mais comme les cours sont étalés sur plusieurs mois, ce n'est qu'à la fin de l'été 1989 qu'ils subiront leur test.

Bilinguisme réceptif

Il est difficile de concevoir un milieu propice à l'utilisation des deux langues officielles sans qu'un nombre élevé d'employés puissent au moins comprendre leur langue seconde. L'objectif est donc plus modeste qu'un bilinguisme intégral : il s'agit simplement de saisir le sens d'un texte ou d'une discussion, sans pour autant s'exprimer oralement ou par écrit dans sa deuxième langue. Il est important de souligner que le bilinguisme réceptif ne saurait suffire pour les fonctions de surveillance, pas plus que pour le service au public.

L'unilinguisme de certains maillons de la chaîne de communication constitue l'un des obstacles systémiques les plus importants dans l'instauration d'un régime équitable de langue de travail. L'introduction du bilinguisme réceptif, dans les régions bilingues, permettrait par exemple :

- la libre circulation des ébauches de rapports dans l'une ou l'autre langue — les employés seraient ainsi véritablement libres de rédiger dans la langue officielle de leur choix ;

- la cessation de la traduction de documents qui ne sont ni des instruments de travail ni de l'information au public ;

- une meilleure utilisation des deux langues pendant les réunions et dans les communications entre collègues.

Aussi réitérons-nous notre recommandation de tenter une expérience systématique de formation linguistique visant un bilinguisme réceptif efficace dans certains milieux de travail jugés prioritaires à la suite d'une analyse de la situation. Dans cette optique, nous avons noté avec intérêt qu'un premier pas avait été franchi dans le cours de perfectionnement pour la haute direction. En effet, pour l'écrit, seule la compétence à lire — et non à rédiger — est inscrite au programme.

Prime au bilinguisme

Le processus de confirmation de la prime s'est poursuivi cette année. Des 19 250 fonctionnaires testés au 31 décembre 1988, 87,5 p. 100 ont réussi à l'évaluation de la langue seconde et 12,5 p. 100 ne répondent plus aux exigences de leur poste. La deuxième phase, se terminant le 31 mars 1989, devrait toucher environ 13 900 titulaires de postes bilingues. Cette année, 1 400 retraits de prime ont été effectués, qui viennent s'ajouter aux quelque 500 de 1987.

Devons-nous conclure que ces 1 900 employés occupaient des postes inutilement bilingues ? S'ils avaient suffisamment utilisé leur langue seconde au travail, on peut supposer qu'ils n'auraient pas perdu leurs compétences linguistiques. Dans ces conditions, il n'est peut-être pas surprenant qu'une bonne proportion des 500 bénéficiaires du cours de rattrapage de 200 heures aient subi un deuxième échec à l'évaluation de la langue seconde.

Cet exercice de confirmation de la prime constitue à nos yeux une mise à jour profitable. Cependant, il n'en demeure pas moins que ce programme continue de porter en lui-même ses propres inconvénients, le plus évident d'entre eux étant probablement son coût, soit environ 46 millions de dollars en 1988. Par ailleurs, comme il a perdu la valeur d'incitation qui avait justifié sa création, nous ne pouvons que maintenir notre recommandation au Conseil du Trésor de réévaluer le système de prime au bilinguisme dans le double objectif de réduire son coût et d'accroître sa valeur incitative. Un troisième objectif pourrait également être servi, celui de l'article 91 de la Loi qui impose l'emploi de critères objectifs, au moment d'une dotation en personnel, quant aux exigences linguistiques des postes.

Traduction

Une évaluation des objectifs et du rendement des Services de langues officielles a été effectuée cette année à la demande du Secrétariat d'État. Cette évaluation correspond à une recommandation de notre Rapport annuel de 1987.

Côté traduction, on y constate tout d'abord une satisfaction assez générale des clients, tant pour la qualité des textes que pour les délais de livraison. En revanche, les critiques du système d'enveloppe de mots sont générales. Les représentants des ministères, du Secrétariat d'État et du Conseil du Trésor s'accordent à dire que c'est aux ministères que revient le contrôle du volume de la demande.

L'évaluation ne mentionne que brièvement le besoin d'assurer une relève adéquate en traduction, mais cette question a été examinée en détail dans l'*Étude sur l'élargissement du bassin de pigistes* effectuée également en 1988. Celle-ci laisse entrevoir une pénurie de 600 à 1 600 traducteurs dans cinq ans, selon le degré de croissance de la demande. Le Secrétariat d'État examine les conclusions de ce rapport dans le cadre de l'évaluation globale des services de traduction, dont les recommandations pourraient avoir des conséquences sur les besoins prévus, mais il devra s'assurer que la capacité interne et externe de production correspond aux besoins de traduction.

Tableau II.8

Secrétariat d'État : volume de traduction et ressources humaines et financières, 1987-1988 et 1988-1989

	1987-1988	1988-1989
Millions de mots	244	250
Années-personnes	1 477	1 401
Millions de dollars	84,4	91

Source : Secrétariat d'État et Secrétariat du Conseil du Trésor

Côté interprétation, la satisfaction est moindre : plusieurs clients se plaignent d'annulations et en plus, le Secrétariat d'État n'a pu répondre à 14 p. 100 des demandes.

Cette situation découle d'une pénurie généralisée d'interprètes. Afin de remédier à cette pénurie, nous croyons que le Secrétariat d'État devrait intensifier les programmes de dépistage et de formation, à l'intérieur et à l'extérieur de la Fonction publique. Le Ministère pourrait ainsi encourager, aux plans technique et financier, les universités qui accepteraient d'élaborer un programme de formation approprié. Son rôle de leader dans le domaine de l'interprétation l'y prépare, son mandat de promotion du français et de l'anglais dans la société canadienne — prévu par la *Loi sur les langues officielles* de 1988 — l'y oblige.

Côté terminologie, il nous semble que le mandat attribué au Secrétariat d'État par la *Loi sur les langues officielles* de 1988 devrait l'amener tout naturellement à ouvrir davantage ses services à la population canadienne. Ses ressources et son expertise, internationalement reconnue, devraient lui permettre en particulier de mieux faire valoir le français dans la Fonction publique et dans la population en général — sans oublier les besoins relatifs à la langue anglaise.

L'étude des Services de langues officielles a également permis de déterminer des solutions de rechange au système actuel (décentralisation accrue, généralisation du recours à des sous-traitants du secteur privé, autofinancement total ou partiel). Sans s'être encore prononcés sur telle ou telle possibilité, les évaluateurs ont insisté sur le respect de la qualité du produit et du service, de l'imputabilité du client pour la demande, le tout à un coût raisonnable.

Ajoutons qu'il est essentiel que toute modification au système actuel n'ait aucune conséquence négative sur les obligations linguistiques des organismes fédéraux. Nous sommes persuadés que le Conseil du Trésor voudra examiner de près tout changement qui serait apporté, afin qu'il soit en plein accord avec les exigences de la Loi de 1988.

Nous recommandons :

- **au Secrétariat du Conseil du Trésor de revoir sans tarder tous ses énoncés de principes sur les langues officielles afin de les rendre conformes aux dispositions de la *Loi sur les langues officielles* de 1988 ;**

- **la mise au point, à l'intention des administrateurs généraux des institutions fédérales, de principes directeurs en vue de la mise en œuvre de la Loi ;**

- **au Secrétariat du Conseil du Trésor d'accélérer la négociation des lettres d'entente et de s'assurer que les futures lettres contiennent, pour tous les aspects du programme, des objectifs clairs et mesurables,**

assortis d'échéances précises, d'indicateurs de rendement et de mesures de contrôle plus serrées ;

- **à la Commission de la Fonction publique d'étudier l'évolution du bilinguisme individuel chez les Canadiens en fonction des besoins linguistiques de la Fonction publique ;**

- **au Secrétariat du Conseil du Trésor ou à la Commission de la Fonction publique, selon le cas, de tenter une expérience systématique de formation linguistique visant un bilinguisme réceptif efficace dans certains milieux de travail jugés prioritaires à la suite d'une analyse de la situation ;**

- **au Secrétariat du Conseil du Trésor de réévaluer le système de prime au bilinguisme dans le double objectif de réduire son coût et d'accroître sa valeur incitative ;**

- **au Secrétariat d'État de prendre des mesures pour accroître le bassin de traducteurs et d'intensifier les programmes de dépistage et de formation des interprètes, à l'intérieur et à l'extérieur de la Fonction publique, afin de pallier la pénurie de spécialistes dans ce domaine ;**

- **au Secrétariat du Conseil du Trésor d'examiner le mode d'attribution des ressources en traduction aux ministères.**

2. Les plaintes : vox populi

Ce chapitre indique de quelle manière les plaintes peuvent promouvoir une justice linguistique pour les individus et faire progresser la réforme du régime linguistique. Dans un premier temps, nous exposons brièvement les répercussions de la *Loi sur les langues officielles* de 1988, les progrès accomplis au niveau des méthodes d'enquête et une analyse statistique partielle ; nous présentons ensuite les diverses catégories de plaintes reçues par notre bureau pour enfin terminer le chapitre par huit grands cas représentatifs de la situation au pays, d'est en ouest.

La Loi sur les langues officielles *de 1988*

La *Loi sur les langues officielles* de 1988 définit les fonctions du Commissaire aux langues officielles, son devoir d'instruire et de régler les plaintes puis d'en signaler les conclusions et enfin son rôle d'ombudsman linguistique. Il est clair que les législateurs connaissaient l'importance des plaintes comme mécanisme efficace pour rétablir ou protéger les droits des individus.

Cette loi a des répercussions sur nos enquêtes. Selon l'article 91, les situations particulières de recrutement qui nécessitent l'application des exigences relatives aux langues officielles doivent reposer sur des raisons objectives. Toutefois, ce sont sans doute les articles 77 et 78 qui comportent le plus de conséquences puisque, dans certaines circonstances et à l'intérieur d'une période donnée, ils permettent à un plaignant, ou au Commissaire avec le consentement du plaignant, de s'adresser à la Cour fédérale pour obtenir réparation lorsque le problème n'a pas été résolu précédemment à la satisfaction de l'intéressé. Ces trois articles et bien d'autres contribuent à donner à l'instruction d'une plainte beaucoup plus de puissance qu'elle n'avait auparavant pour rétablir des droits ou réparer des injustices.

Les enquêtes

Cet engagement à la justice linguistique doit prendre en considération le principe de l'équité administrative, car il importe que les enquêtes soient menées avec impartialité et minutie et que les parties touchées par une décision puissent avoir l'occasion de faire des observations ou de revenir à la charge avant qu'un rapport ne soit rendu public. Le Commissaire décidera qu'une plainte est fondée uniquement après avoir vérifié les faits auprès du plaignant et de l'établissement

concerné. Parallèlement, il jugera une plainte non fondée seulement après qu'il aura donné au plaignant le temps suffisant d'appuyer ses dires par des renseignements supplémentaires.

Les consultations que nous avons eues avec d'autres ombudsmen nous ont aidés à mettre au point un nouveau système d'enquête qui donne lieu à des interventions dont le caractère et le niveau varient selon la gravité ou l'urgence de la situation. Une requête informelle peut donc déboucher tantôt sur une enquête formelle, tantôt sur un rapport étayé de recommandations, qui sera présenté au président du Conseil du Trésor, au Gouverneur en conseil ou, en dernier ressort, au Parlement. Nous comptons cependant épuiser tous les moyens habituels de persuasion, de médiation et de négociation dont jouit un ombudsman avant d'appuyer un recours à une instance judiciaire. De plus, en regroupant les plaintes de même nature qui sont liées à un problème systémique, nous tentons de résoudre plusieurs cas simultanément.

Le nombre et les catégories de plaintes

Entre 1985 et 1987, le nombre de plaintes a plus que doublé, passant d'un peu plus de 1 000 à bien au-dessus de 2 000. Ce niveau élevé s'est poursuivi en 1988, si bien que nous en dénombrions 2 189 à la fin de 1988. Diverses causes peuvent expliquer ce phénomène, notamment une plus grande sensibilisation du public aux droits linguistiques et la publicité suscitée par l'adoption de la nouvelle loi. Depuis la proclamation de la Loi le 15 septembre 1988, le nombre moyen de plaintes reçues chaque mois a augmenté de 19 p. 100. Étant donné qu'un certain nombre ont porté sur le rôle d'Élections Canada pendant les élections fédérales, il faudra attendre quelque temps avant de savoir s'il s'agit là d'une tendance permanente. Des 2 189 plaintes, 1 960 (89,5 p. 100) avaient trait à des difficultés en français et 229 (10,5 p. 100) à des problèmes en anglais. Le service au public a d'ailleurs été le sujet le plus souvent invoqué dans les plaintes (1 997 ou 91,2 p. 100). La langue de travail a donné lieu à 144 plaintes (6,6 p. 100), tandis que la participation équitable et la gestion du programme ont fait l'objet de 48 plaintes (2,2 p. 100).

Comme l'indique le schéma 1, la palme des plaintes en 1988 a été décernée à l'accueil téléphonique et en personne. Les plaintes au sujet de la publicité, des communications visuelles et de la correspondance ont chuté considérablement, mais la situation est demeurée inchangée en ce qui touche les formulaires et les publications.

Dénombrées à 248 en 1987, les plaintes en matière de langue de travail se chiffrent actuellement à 144, situation partiellement imputable à la diminution des plaintes (de 61 à 4) enregistrées à l'égard d'un organisme. Les plaintes qui touchent ce domaine comptent souvent parmi les plus difficiles à résoudre. Beaucoup d'employés hésitent à rapporter un problème par crainte de représailles, mais comme nos enquêteurs doivent protéger l'identité des plaignants, ils doivent souvent s'en tenir à un discours très général devant les autorités des ministères. On trouvera au schéma 2 une répartition de ce genre de plaintes.

Schéma 1

Langue de service (1988)
Plaintes fondées

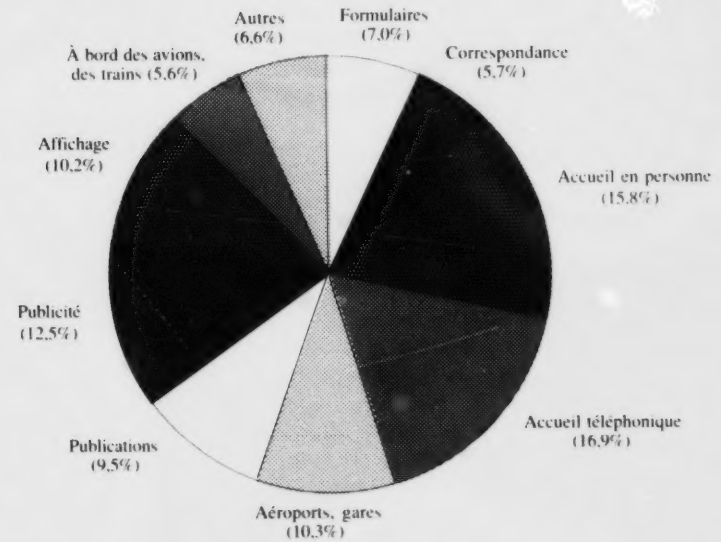
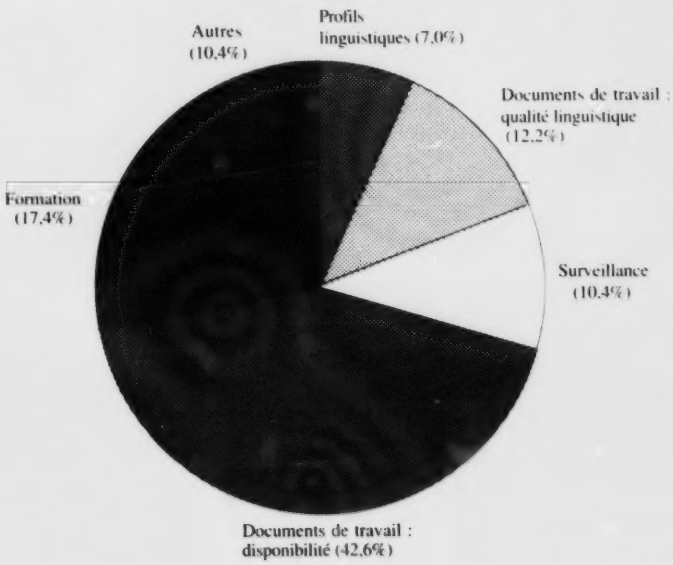


Schéma 2

Langue de travail (1988)
Plaintes fondées



Nous avons pu éclaircir au total 1 643 plaintes en 1988. On peut constater, par le tableau A.1, que 861 d'entre elles avaient été déposées en 1987 ou avant. Au nombre des 176 plaintes ou demandes de renseignements échappant à la compétence du Commissaire, 156 ont été transmises aux administrations provinciales, au secteur privé ou ailleurs. Les 537 demandes de renseignements que nous avons reçues étaient fort diversifiées ; il s'agissait tantôt de savoir où l'on pouvait apprendre une langue officielle, tantôt de statistiques sur l'utilisation de la langue à l'échelle nationale ou mondiale, tantôt encore de la nouvelle loi. De plus, nos bureaux régionaux ont répondu à de nombreuses demandes dont les présents chiffres ne tiennent pas compte.

L'article 91, dont la mise en vigueur remonte seulement à la mi-septembre, a néanmoins donné lieu à 20 plaintes portant sur divers aspects de la désignation linguistique de postes, sur les niveaux des exigences linguistiques ou, dans un autre cas, sur des pratiques de recrutement préjudiciables à un groupe linguistique. Toutes ces plaintes, sauf une qui était sans fondement, faisaient toujours l'objet d'un examen à la fin de l'année.

Ce que révèlent les plaintes

Les cas exposés ci-après, qui mettent en cause divers ministères et sociétés d'État, font ressortir des problèmes typiques d'un bout à l'autre du pays. Tous n'ont pas la même gravité ni complexité et certains, malheureusement, témoignent d'une situation déplorable. À la fin de 1987, une enquête menée au hasard auprès de 75 plaignants nous avait révélé que 85 p. 100 d'entre eux avaient été satisfaits de nos services. Cependant, 49 p. 100 seulement ont estimé que leur problème avait été réglé. Ces résultats se rapprochent de ceux que nous avions obtenus à la suite d'une enquête du même genre effectuée en 1983, mais il est clair que les solutions permanentes sont souvent hors de notre portée.

Services en français à un comptoir postal

Nous dénoncions l'an dernier les difficultés éprouvées par la clientèle francophone de Dieppe (N.-B.) à obtenir un service dans sa langue à un comptoir postal de la **Société canadienne des postes**. Malgré que ce bureau de poste serve une collectivité composée à 71 p. 100 de francophones, la Société canadienne des postes n'était pas en mesure de garantir des services en français. À la fin de 1987, la Société nous avait indiqué que ces postes à Dieppe seraient bientôt bilingues et que les employés recevraient une formation linguistique appropriée. Des vérifications effectuées par la suite, la plus récente en novembre 1988, nous ont révélé que des employés bilingues qualifiés occupaient quatre des cinq postes en question. Le cinquième employé, qui est unilingue, ne travaille jamais seul et les clients peuvent généralement obtenir un service en français.

Des documents juridiques unilingues

L'exemple qui suit fait ressortir les conséquences graves qui peuvent survenir lorsqu'on omet de respecter la langue de correspondance d'un client. Un citoyen francophone de Caraquet (N.-B.) entretenait depuis quelques années des rapports avec un cabinet d'avocats engagé par le **Secrétariat d'État** pour fixer les

modalités de remboursement des prêts aux étudiants. À un moment donné, ce citoyen a reçu une lettre, en anglais seulement, l'avisant qu'une nouvelle étude s'occuperait de son cas. Le plaignant a fourni en français les renseignements demandés sur son revenu et ses emplois des années antérieures. Il n'a plus eu de nouvelles jusqu'au jour où il a reçu une autre lettre, celle-là bilingue, lui signalant qu'il avait 15 jours pour remplir les conditions de remboursement. Incapable de rejoindre l'auteur par téléphone, le plaignant a répondu à la lettre, encore en français, en fournissant des détails supplémentaires sur son budget et en demandant que les modalités soient fixées. Environ deux semaines plus tard, un shérif lui a signifié une sommation unilingue anglaise de comparaître en justice. Cette fois, notre correspondant a réussi à communiquer avec l'avocat chargé du dossier, mais seulement pour se faire dire que ses lettres n'avaient pas été lues parce que rédigées en français. C'est à ce stade que nous avons été saisis de l'affaire.

Notre enquête nous a menés au contentieux du Programme canadien de prêts aux étudiants, au **ministère de la Justice**. Il convient de souligner la rapidité avec laquelle l'affaire a été prise en main et la tournure des événements : lettre d'excuses au plaignant, annulation des procédures et instructions enjoignant le cabinet d'avocats d'assigner un francophone à l'affaire et de présenter une autre lettre d'excuses au plaignant. L'article 25 de la Loi expose clairement le devoir pour chaque institution fédérale de veiller à ce que les services fournis au public en son nom par des tiers soient accessibles dans l'une ou l'autre langue officielle.

Refus de rendre une décision juridique en anglais

Un Montréalais de langue anglaise a souligné à un député que le Conseil arbitral de l'assurance-chômage avait refusé d'entendre son grief et de rendre une décision en anglais. Lorsque le député lui a demandé une explication, le porte-parole du Conseil a indiqué que le président avait tout simplement refusé d'obtempérer ; une plainte nous a donc été adressée. À notre première rencontre avec les représentants d'**Emploi et Immigration Canada** en janvier, on nous a appris que le Ministère veillerait sans délai à ce que le président en question ne puisse instruire que des causes en français. Le Ministère nous a également donné l'assurance verbale que les clients avaient le droit d'être entendus et de recevoir une décision dans la langue officielle de leur choix. Le Ministre a envoyé une lettre au bureau du député en juillet, mais il a fallu attendre en septembre pour que le Ministère reconnaisse que la plainte était effectivement fondée, et apprendre que le président fautif rendait maintenant des décisions dans les deux langues. Il a fallu une autre lettre et encore un mois pour recevoir la version traduite de la décision originale, donc dix mois en tout pour que le plaignant obtienne ce qu'il aurait dû recevoir dès le début.

Accueil téléphonique en anglais seulement

Les plaintes en provenance de la région de la Capitale nationale avaient trait pour une bonne part, en 1988, à des services essentiels comme l'accueil téléphonique. Un francophone s'est plaint à notre bureau qu'à deux reprises, dans l'intervalle d'une semaine, on lui avait répondu au téléphone en anglais

seulement et qu'il s'était fait ensuite raccrocher au nez. L'appel avait été placé à l'un des bureaux de la Direction des relations de travail du **Secrétariat du Conseil du Trésor**. Informé de la plainte, le gestionnaire responsable nous a fait savoir qu'il appuyait d'une façon générale les directives mises en place par le Secrétariat pour garantir un service et un accueil bilingues.

Comme il pouvait s'agir d'une plainte vexatoire, des vérifications aléatoires ont eu lieu. Celles-ci ont corroboré sans équivoque les motifs de la plainte et le Secrétariat, encore à notre invitation, a diffusé une directive ferme sur l'accueil téléphonique bilingue.

La mise en œuvre des nouveaux systèmes téléphoniques qui acheminent directement à l'intéressé les appels de l'extérieur sans l'aide d'un réceptionniste entraîne beaucoup de plaintes de ce genre. Les gestionnaires auraient intérêt à rappeler à leur personnel l'obligation qu'ils ont de répondre en utilisant une formule bilingue.

Des employés unilingues affectés à des postes bilingues de surveillance

Des 144 plaintes reçues au sujet de la langue de travail en 1988, plus de 50 p. 100 provenaient de la région de la Capitale nationale. Les deux exemples qui suivent traduisent bien les difficultés auxquelles les employés qui désirent travailler dans la langue officielle de leur choix doivent faire face. Ils soulignent également un contraste intéressant dans la façon dont les ministères répondent aux plaintes, en plus du problème systémique qu'ils font ressortir.

Un plaignant a prétendu qu'un poste bilingue au niveau supérieur du ministère des **Travaux publics** était occupé depuis quelque temps déjà par un intérimaire qui ne parlait pas français, privant ainsi les employés francophones de leur droit d'être encadrés dans leur langue. Le Ministère a reconnu la véracité de l'allégation mais a expliqué que le gestionnaire était le seul à posséder les qualités techniques nécessaires à ce poste. À la suite de notre intervention, des dispositions ont été prises pour qu'un agent bilingue représente le directeur auprès des employés francophones.

Dans un cas du même genre, un employé travaillant au **ministère de la Santé nationale et du Bien-être social** a allégué qu'on avait prolongé la période d'intérim d'un surveillant unilingue dans un poste bilingue. Non seulement les employés francophones ne pouvaient travailler dans leur langue, mais cela nuisait également à la capacité de servir le public dans les deux langues.

Devant protéger l'identité du plaignant, nous avons restreint notre intervention à des questions générales sur la politique du Ministère au sujet des affectations intérimaires. Le Ministère nous a d'abord répondu que la politique actuelle des organismes centraux n'obligeait pas les titulaires occupant un poste par intérim à satisfaire aux exigences linguistiques du poste en question. Il est vrai que la politique du Ministère prévoyait des dispositions administratives et une durée limite

de six mois à de telles affectations, mais aucune mesure particulière ne pouvait être prise si le plaignant n'était pas identifié. À l'heure actuelle, le Manuel de gestion du personnel renferme effectivement des dispositions en ce sens, mais leur libellé ouvre la porte à beaucoup d'échappatoires. Même si la position du Ministère était irréprochable du point de vue technique, il aurait été plus encourageant qu'il nous fasse part de son intention d'examiner les affectations intérimaires courantes. À notre avis, le gouvernement aurait avantage à examiner la durée permise des affectations intérimaires dont le titulaire ne respecte pas les exigences linguistiques du poste ; de plus, il conviendrait de réviser le manuel de façon à restreindre les échappatoires qui permettent aux gestionnaires de se défaire de leurs obligations.

Étude spéciale sur les activités d'Air Canada à l'aéroport de Toronto

La *Loi sur les langues officielles* a toujours accordé une attention particulière au droit du public voyageur d'obtenir un service dans la langue officielle de son choix. L'aéroport de Toronto est le plus achalandé au pays et notre première étude spéciale sur ses activités remonte à 1970. Le nombre de voyageurs y a certes augmenté, mais de même en a-t-il été des plaintes. **Air Canada**, qui a une clientèle journalière de 18 000 voyageurs à cet aéroport, a été l'objet de beaucoup de ces plaintes ; cependant, d'importantes améliorations apportées récemment à la capacité bilingue de ses 600 préposés à la clientèle dans l'aéroport ont permis, dans une certaine mesure, d'empêcher le nombre de plaintes de s'accroître davantage.

Quoi qu'il en soit, malgré les progrès réels accomplis, les plaintes reçues en 1988 avaient trait à des problèmes connus, puisqu'il s'agissait essentiellement de communiqués diffusés en anglais seulement et de l'absence de service en français au comptoir. Après un regroupement des plaintes, nous avons effectué une étude intensive de deux jours à l'aéroport au mois d'août 1988, qui a confirmé les allégations des plaignants tout en dégageant plusieurs problèmes supplémentaires.

Le rapport que nous avons remis à Air Canada en décembre 1988 présentait avec de nombreux détails les lacunes observées en matière d'affichage, de communiqués, de l'offre active de service aux comptoirs d'enregistrement et de la capacité bilingue à certains points névralgiques où circulent une multitude de voyageurs francophones. Le rapport mettait sérieusement en doute l'efficacité de quelques-uns des systèmes actuellement en place et proposait des vérifications plus régulières et officielles pour assurer à l'avenir, l'observation des directives destinées à l'amélioration du service.

Contrôleurs de la circulation aérienne

Une situation déficiente rapportée à nos bureaux au sujet de trois aéroports de l'Ouest du Canada a pu être corrigée à la satisfaction des intéressés à la fin de l'année. Mis à l'évidence qu'il n'y aurait qu'un nombre restreint d'ouvertures au Québec, huit stagiaires en contrôle de la circulation aérienne, tous francophones bilingues, ont accepté des affectations à Winnipeg, Whitehorse et Kamloops où

l'anglais est la seule langue exigée. Ces huit élèves ont soit démissionné pendant leur formation, soit échoué à l'examen d'accréditation de **Transports Canada** à la fin du cours. À leur retour au Québec, ils ont signalé à l'Association des gens de l'air du Québec que ces échecs et démissions masquaient un climat anti-francophone et certains actes discriminatoires.

Devant la situation, Transports Canada a effectué une enquête ministérielle qui a corroboré l'une des plaintes voulant qu'on ait mis une affiche anti-francophone sur un babillard de l'aéroport de Whitehorse. L'affiche a été enlevée et le plaignant s'est vu offrir des excuses. Le Ministère a conclu que les autres allégations n'étaient pas fondées, mais il a toutefois laissé entendre que les difficultés des stagiaires avaient pu découler de leur maîtrise imparfaite de l'anglais. Lorsque nous avons rencontré les plaignants, il était évident qu'ils désiraient tous poursuivre leur formation au Québec dans le domaine du contrôle de la circulation aérienne, solution qui nous paraissait satisfaisante pour régler le conflit et que nous avons exposée au Ministère. À l'heure actuelle, quatre d'entre eux font un stage au Québec et le Ministère a promis que les quatre autres seraient considérés pour des postes de stagiaire d'ici deux ans.

Services en anglais seulement aux douanes de Vancouver

Il nous semble particulièrement grave qu'un client ne puisse obtenir des services d'un agent de douanes ou d'un autre représentant qui jouit d'un pouvoir coercitif. Après une visite à San Francisco, un Canadien d'expression française est rentré au pays par l'aéroport de Vancouver. Les quelques minutes qu'il prévoyait aux douanes se sont transformées en une fouille cauchemardesque de 45 minutes pendant laquelle on l'a accusé sans raison de mensonges et de contrebande, tout cela exclusivement en anglais.

Outre une explication à **Revenu Canada (Douanes et Accise)** des circonstances de l'affaire, nous avons demandé à ce Ministère des statistiques sur la capacité linguistique des employés du bureau de la douane à l'aéroport de Vancouver et nous lui avons communiqué les détails de l'allégation faite par le plaignant.

L'enquête a révélé que dans une lettre d'excuses, le Ministre a indiqué que des mesures avaient été prises pour que des incidents du même genre ne se reproduisent plus. À l'instar du plaignant, nous avons trouvé cette réponse satisfaisante mais, à notre avis, le nombre d'employés bilingues à cet endroit est insuffisant pour garantir un service dans les deux langues en tout temps. Des négociations pour augmenter le nombre d'employés bilingues à l'aéroport de Vancouver se poursuivent.

3. Le service au public : enfin l'offre active !

Comme nous l'avons vu au chapitre 2 de la partie I, la nouvelle loi confirme le droit du public de communiquer et de recevoir les services dans la langue officielle de son choix dans ses rapports avec le siège social et les bureaux des institutions fédérales, là où la demande est importante ou si la vocation du bureau le justifie. La Loi prévoit aussi que les services des institutions fédérales offerts par des tiers le soient dans les deux langues officielles, comme si elle les dispensaient elles-mêmes. Elle enjoint aussi les institutions fédérales dotées de pouvoirs de réglementation dans les secteurs de la santé et de la sécurité du public d'utiliser ces pouvoirs, si les circonstances le justifient, de façon à promouvoir l'égalité linguistique. Elle comprend également un article sur l'offre active, ce qui oblige les institutions à informer le public par le biais d'affiches, d'avis ou d'autres moyens que les services sont offerts dans les deux langues officielles. Plusieurs de ces dispositions nécessitent toutefois l'établissement de règlements pour en définir toute la portée. C'est donc avec impatience que nous attendons la réglementation du Gouverneur en conseil qui devrait préciser l'étendue de la Loi et assurer, dans le cadre de limites raisonnables, le plein respect des droits du public canadien. Toutes ces dispositions, si elles sont adéquatement mises en œuvre, devraient améliorer de façon significative la capacité bilingue des services fédéraux et ce, même pour le public de langue minoritaire demandant certains services dans des lieux où la demande ne serait pas jugée importante. Entre-temps, l'absence provisoire de tels règlements ne saurait servir d'excuse à l'attentisme des institutions fédérales. Toutes les directives déjà existantes, qui ne sont pas incompatibles avec les dispositions de la nouvelle loi, continuent d'être en vigueur.

Tour d'horizon de 1988

Dans les lignes qui suivent, nous présentons un tour d'horizon de l'année, en fonction des plaintes reçues et des vérifications et suivis effectués en 1988. De plus, le chapitre relatif aux plaintes traitées par le Commissariat en 1988 servira de toile de fond au présent exposé. Nous tracerons ainsi un profil des réalisations marquantes et de certaines lacunes inadmissibles qui nuisent depuis plusieurs années à l'égalité de statut des deux langues dans le service au public.

D'emblée, il convient de signaler une amélioration, en 1988, de l'offre active des services dans les deux langues officielles, un des aspects cruciaux du service au public, même s'il reste beaucoup à faire dans ce domaine pour que les bonnes initiatives du gouvernement se traduisent en résultats concrets pour le citoyen de Moncton, de Toronto ou d'ailleurs. Par contre, la situation est demeurée passablement la même, encore cette année, dans les autres aspects du service au public. À notre avis, cette situation est due à plusieurs facteurs : le public n'est pas suffisamment informé des dispositions de la nouvelle loi ; la répartition du personnel bilingue pose encore des problèmes ; l'accueil téléphonique dans les deux langues officielles est irrégulier, même dans la région de la Capitale nationale ; les gestionnaires et les employés de l'État devant fournir des services au public ne sont pas suffisamment tenus responsables d'offrir les services dans les deux langues officielles. Par ailleurs, les conclusions d'études spéciales faites cette année mettent en lumière les difficultés qu'éprouve le gouvernement à affirmer l'image bilingue du Canada. De plus, soulignons l'état lamentable des services bilingues dans les Parcs nationaux de l'Ouest comme celui de Banff, et le peu de suivi accordé à notre étude de 1987 sur l'absence de services bilingues à l'intention de la minorité de langue officielle de l'Île-du-Prince-Édouard. Enfin, le Commissariat a reçu de nombreuses plaintes concernant les élections fédérales de 1988, ce qui nous aura donné l'occasion d'examiner les aspects linguistiques du processus électoral au Canada.

L'offre active

Depuis de nombreuses années, nous affirmons que l'offre active est une condition sine qua non d'un service bilingue adéquat. On ne saurait trop insister sur l'importance de cette disposition : l'expérience a maintes fois démontré qu'en l'absence d'un service bilingue identifiable, c'est-à-dire visible, audible et permanent, la clientèle est inévitablement incitée à utiliser la langue officielle de la majorité. Selon nos correspondants, plus de la moitié des institutions fédérales sont perçues comme intimidantes et l'absence d'offre active de services bilingues incite les minorités de langue officielle à ne pas exiger le respect de leurs droits.

À cet égard, nos multiples récriminations des années précédentes ne sont pas tombées dans l'oreille d'un sourd et le gouvernement peut être fier de ses réalisations en 1988. En effet, il a incorporé dans la Loi de 1988 l'obligation de l'offre active et a pris des mesures concrètes et généralement efficaces dans ce domaine, qui n'ont pas encore eu beaucoup d'effets, mais qui devraient porter tous leurs fruits en 1989 et 1990. D'abord, l'adoption d'un symbole identifiant clairement la disponibilité du service bilingue, et sa diffusion au sein de l'appareil fédéral inciteront certainement les membres du public à exprimer davantage leur désir d'être servis dans la langue officielle de leur choix. Deuxièmement, le Conseil du Trésor a publié une seconde édition des répertoires, région par région, des bureaux fédéraux qui, au pays, sont en mesure de fournir un service dans les deux langues. Les différentes associations de langue minoritaire ont reçu des exemplaires de ces répertoires et le public a été invité,

par l'intermédiaire de la presse écrite, à s'en procurer des copies. Nous étions aussi heureux d'apprendre en fin d'année que le Conseil du Trésor avait mis à la disposition des organismes une trousse de formation concernant la langue de service. On cherche ainsi à sensibiliser le personnel à l'importance de son rôle auprès du public, en lui fournissant des techniques utiles pour ses contacts avec la clientèle, tout en l'incitant à servir le public dans les deux langues officielles.

D'autres institutions ont également décidé de s'attaquer à ce problème. Nous relevons, entre autres, une excellente initiative d'Agriculture Canada qui a mis sur pied, à l'intention de son personnel, un cours sur l'offre active de services dans les deux langues officielles. Au moment de la rédaction du rapport, une cinquantaine de participants de la région de la Capitale nationale en avaient déjà bénéficié et on s'apprêtait à l'offrir aux employés travaillant en région. La Banque du Canada était aussi à mettre au point un cours du même genre.

Tout comme l'an dernier, nous avons réalisé en 1988 une série de tests sur la qualité des services fédéraux assurés par téléphone aux minorités de langue officielle et ce, en vue d'évaluer à la fois l'offre active et la prestation du service bilingue. Nous avons même élargi considérablement notre échantillon : 216 bureaux ont été testés, comparativement à 55 en 1987.

Tests téléphoniques

Les résultats indiquent que la situation a peu changé depuis l'an dernier. En effet, dans les régions bilingues hors du Québec, le service n'était toujours pas offert en français près d'une fois sur cinq ; Fredericton et Winnipeg remportent la palme avec des pourcentages d'échecs se situant respectivement à 27 p. 100 et 24 p. 100. Dans ces mêmes régions, l'offre active ne fait pas encore bonne figure : l'accueil était unilingue anglais dans 40 p. 100 des appels effectués et 30 p. 100 des réceptionnistes ne pouvaient s'exprimer en français. Au Québec, pour l'ensemble des villes de Montréal, Sherbrooke et Gaspé, 97 p. 100 des personnes qui ont demandé à être servies en anglais ont obtenu satisfaction.

Par ailleurs, neuf bureaux ont été testés dans la région de la Capitale nationale. L'accueil fut bilingue dans 71 p. 100 des cas, mais l'on aurait pu s'attendre à un rendement irréprochable dans cette région.

Nous avons aussi procédé à une ventilation des données par province, selon l'endroit où habitent les minorités de langue officielle. À une extrémité se situe la Saskatchewan, avec un pourcentage d'échecs s'élevant à 50 p. 100, suivie de près par la Nouvelle-Écosse, l'Île-du-Prince-Édouard et Terre-Neuve, pour lesquelles 41 p. 100 des demandes de services en français n'ont pu être satisfaites. Les deux meilleures performances sont celles du Québec et du Nouveau-Brunswick dont les taux de succès se situent respectivement à 97 p. 100 et 85 p. 100.

Le personnel bilingue

Le personnel bilingue dans les organismes et les ministères fédéraux, en ce qui a trait au service au public, est demeuré relativement stable cette année. Même si

le nombre de postes bilingues aux fins du service au public est passé de 39 753 à 40 235 en 1988, la proportion des titulaires qualifiés, indicateur beaucoup plus significatif du bilinguisme des services offerts, se situe à 85,3 p. 100 (34 329) cette année, comparativement à 87,2 p. 100 l'an dernier (34 651). Il est à noter que cette baisse reflète en partie les effets de la nouvelle politique du Conseil du Trésor relativement à la prime au bilinguisme, qui vise à garantir que tous ses bénéficiaires satisfont toujours aux exigences linguistiques de leur poste. Le gouvernement a donc encore un bon bout de chemin à faire pour atteindre son objectif de 90 p. 100 de titulaires linguistiquement qualifiés au sein de ses principaux ministères, qu'il s'était fixé dès 1982-1983. De plus, la proportion des postes bilingues exigeant le niveau élémentaire de connaissance dans les deux langues a décrû de 6,8 p. 100 à 6,3 p. 100. Nos recommandations antérieures ne sont donc pas restées entièrement lettre morte.

Nous constatons par ailleurs que, dans certaines sociétés d'État servant le public voyageur, le nombre d'employés bilingues s'accroît. Ainsi, à Air Canada, plus de 60 p. 100 des agents de bord sont maintenant bilingues. Rappelons ici que la loi sur la privatisation d'Air Canada spécifie que la Société continuera d'être soumise à la *Loi sur les langues officielles* du Canada. C'est une disposition qui démontre bien l'engagement de la Société et du gouvernement à l'égard des langues officielles. Via Rail s'achemine aussi dans la bonne voie. On se souviendra que, depuis la présentation de notre rapport spécial au Gouverneur en conseil en décembre 1986, et à la suite de ses comparutions devant le Comité mixte permanent du Sénat et de la Chambre des communes sur les langues officielles, un déblocage partiel avait eu lieu au chapitre des conventions collectives entre la Société et ses employés. Le principe d'ancienneté régissant la dotation des postes pour le service au public était dorénavant assorti de considérations d'ordre linguistique. Nous relevons donc cette année une augmentation de 8,9 p. 100 du personnel bilingue, ce qui constitue un progrès notable.

Par contre, nos enquêtes et nos vérifications ont démontré, cette année encore, que la présence d'employés bilingues ne suffit pas toujours à assurer la prestation effective et active du service dans les deux langues officielles. Or, il appert que l'utilisation rationnelle des ressources bilingues, comme d'ailleurs l'ensemble des aspects linguistiques du service au public, n'est souvent pas suffisamment prioritaire dans l'organisation des services fédéraux. À titre d'exemple, à l'aéroport de Toronto, 30 p. 100 des employés d'Air Canada possèdent la connaissance des deux langues et s'il est bien souvent impossible d'obtenir un service de qualité en français, c'est que la répartition des agents bilingues et l'identification de leurs guichets ne sont toujours pas assurées adéquatement. De son côté, le ministère des Affaires extérieures n'a sans doute pas vérifié si les tiers auxquels il avait confié le mandat d'offrir des renseignements téléphoniques sur la question du libre-échange étaient réellement en mesure de le faire dans les deux langues. Le service en français a été de fait souvent déficient, ce qui ne manque pas de surprendre compte tenu de l'importance de la question.

Par ailleurs, il est encourageant de constater que quelques organismes, mais ils ne sont pas légion, ont pris d'heureuses initiatives en ce domaine en 1988. Par exemple, Revenu Canada (Douanes et Accise) a installé des postes d'inspection bilingues à quelques points frontaliers en Ontario. Le projet visait à évaluer la possibilité d'offrir au public des services bilingues à certaines guérites clairement identifiées comme fournissant le service dans les deux langues. L'expérience s'est avérée un succès, et elle a confirmé qu'un service bilingue facilement accessible et visible influe grandement sur la demande. Au moment d'écrire ces lignes, Douanes et Accise s'apprêtait à poursuivre l'expérience dans d'autres régions du Canada. Enfin, Revenu Canada (Impôt) a fait œuvre de pionnier en étant le premier ministère à utiliser le symbole fédéral sur l'offre active de services dans tous ses bureaux.

Le service aux minorités peu nombreuses

Les contacts réguliers qu'entretiennent nos bureaux régionaux avec les minorités, les nombreuses visites que nous effectuons en régions, les plaintes instruites et les vérifications complétées témoignent tous d'une absence chronique de services aux minorités de langue officielle peu nombreuses. Plus particulièrement, les francophones habitant à l'extérieur de la Capitale nationale, du Québec et du Nouveau-Brunswick déposent auprès de notre Commissariat au-delà de dix fois plus de plaintes per capita que ceux demeurant dans ces trois mêmes régions. Il est évident que les services dans la langue officielle des minorités peu nombreuses sont déplorables, et cela vaut même pour certains services essentiels liés à la santé et à la sécurité du public. Les cas cités plus loin, au sujet de l'Île-du-Prince-Édouard et des Parcs nationaux de l'Ouest, n'en sont que quelques illustrations.

Nous comprenons, bien sûr, qu'il soit souvent difficile pour les institutions de se doter de personnel bilingue dans ces régions où la demande est moins fréquente. Toutefois, nous sommes loin d'être convaincus que les gestionnaires concernés font tous les efforts nécessaires. Communiquent-ils avec les minorités pour établir des points de service adéquats ? Ou encore s'assurent-ils que le répertoire de candidats comprend des candidats bilingues ou alors leur rendent-ils la formation linguistique facilement accessible ? Également, pourquoi ne pas utiliser dans certains cas les possibilités qu'offrent les moyens de communications électroniques afin de contrer les difficultés que pose, dans certaines régions, la dispersion de la communauté minoritaire. D'heureux précédents ont été réalisés en vue de mieux rejoindre les minorités relativement peu nombreuses, il y a quelques années. Songeons aux initiatives prises par certaines institutions dans la région de Toronto, dont Emploi et Immigration Canada, qui consistaient à centraliser les services en français à un ou des bureaux facilement accessibles par les membres de la communauté de langue officielle minoritaire. Plusieurs organismes ailleurs au pays auraient intérêt à s'inspirer de telles démarches afin que les minorités francophones et anglophones puissent avoir accès aux services qui leur sont destinés dans la langue officielle de leur choix en tenant compte de la spécificité de ces communautés. Après tout, la Loi parle de « demande importante » et

de « vocation du bureau » ; le service bilingue ne doit pas être réservé uniquement aux régions possédant des minorités pléthoriques.

Événements nationaux et internationaux

Au cours de 1987 et de 1988, le Commissariat a mené une étude portant sur le respect de la *Loi sur les langues officielles* à l'occasion d'événements nationaux et internationaux tenus au Canada et à l'étranger. Sur le plan national, notre attention s'est portée sur les Jeux du Canada, lesquels ont présenté des améliorations importantes en ce qui concerne la prestation de services au public dans les deux langues officielles. Cependant, les aspects linguistiques des services assurés par les tierces parties, c'est-à-dire les commanditaires, les sous-traitants et les autres intermédiaires, font encore preuve d'irrégularités.

Le respect du bilinguisme s'avère beaucoup plus précaire lorsqu'il s'agit de la tenue au pays d'événements internationaux. À l'Exposition de Vancouver de 1986, en dépit de l'excellente performance du Pavillon du Canada et de plusieurs institutions fédérales, notamment Air Canada et Douanes et Accise, l'affichage, les annonces publiques et les services fournis par les sous-traitants étaient, sauf à de très rares exceptions, unilingues anglais. De plus, les services assurés par la Gendarmerie royale, à l'Expo 86, se sont avérés nettement insatisfaisants, tant à l'aéroport de Vancouver que sur les sites de l'Exposition. En 1988, environ 30 p. 100 des francophones du pays n'ont pu obtenir l'entière télédiffusion des Jeux olympiques de Calgary dans leur langue, et ce, malgré qu'en dernière heure les principaux intervenants en soient arrivés à un compromis à ce sujet. Le Comité organisateur avait toutefois pris de nombreuses mesures pour assurer des services bilingues sur le site des Jeux.

Notre analyse démontre que le gouvernement canadien est mal outillé pour jouer son rôle de promoteur linguistique lorsqu'il participe à ce genre d'événements et qu'au moment d'écrire ces lignes, il ne s'est pas encore doté d'une politique précise en cette matière. Ainsi, les aspects relatifs aux langues officielles ne sont pas pleinement intégrés au processus de planification. Il arrive que le gouvernement fédéral fasse connaître ses exigences linguistiques aux organisateurs et aux autres intervenants, deux ans après la signature des ententes. Étant donné l'organisation complexe de tels projets, il est essentiel que tous les intervenants soient, dès le début, mis au fait de leurs obligations linguistiques. C'est pourquoi nous recommandons aux instances fédérales qui participent à l'organisation de ces événements, notamment le Secrétariat du Conseil du Trésor et Condition physique et Sport amateur, de veiller à ce que les questions relatives aux langues officielles fassent l'objet de toutes les considérations nécessaires dès les premières étapes de la planification.

Parcs nationaux de l'Ouest

Nous avons aussi effectué un examen de la situation linguistique des services dans les parcs nationaux de l'Ouest, à la suite des nombreuses plaintes reçues contre ces parcs, dont plus du quart mettaient en cause celui de Banff. Les plaintes portaient presque toutes sur l'absence de services en français à des

points de contact stratégiques comme les entrées, les centres d'accueil et les principaux terrains de camping.

Notre enquête nous a permis de constater qu'aucun des parcs visés n'offre activement un service en personne dans les deux langues officielles. L'accueil des visiteurs se fait en anglais seulement, les employés bilingues ne sont pas identifiés en tant que tels et très peu de renseignements sont disponibles sur les services offerts dans les deux langues. De plus, la question de l'affichage pose encore des problèmes et cela dans tous les parcs de l'Ouest. Au parc national de Banff, le nombre d'employés bilingues à l'accueil s'avère nettement insuffisant pour assurer en tout temps le service dans les deux langues, et le palliatif mis en place — recours à un enregistrement téléphonique — n'encourage pas vraiment les visiteurs francophones à demander le service dans leur langue. La vocation du parc national de Banff, qu'on peut certainement qualifier de vitrine du patrimoine naturel du Canada, justifie pourtant à elle seule que tous les services y soient disponibles et offerts activement en français comme en anglais.

Les interventions du Commissariat dans ce dossier remontent à plus de 17 ans : et nous ne pouvons que constater le peu d'attention accordée par le Service canadien des parcs jusqu'à maintenant aux problèmes que nous lui avons maintes fois signalés. C'est pourquoi nous avons demandé que des mesures rigoureuses soient adoptées dans les plus brefs délais afin de corriger les lacunes importantes qui persistent dans les parcs fédéraux de l'Ouest, et particulièrement au parc national de Banff. Le Ministère s'est maintenant engagé à mettre sur pied un plan de redressement qui devrait être complété le 31 mars 1989. L'engagement des gestionnaires actuels permet d'espérer qu'enfin la situation s'améliorera sensiblement en 1989.

Services en français à l'Île-du-Prince-Édouard

Le lecteur ne sera pas surpris d'apprendre que les francophones de l'Île-du-Prince-Édouard ne disposent pas de services fédéraux adéquats en français, et qu'il en est de même pour tous les francophones qui visitent l'Île chaque année. Dans notre Rapport de 1987, nous présentions les résultats d'une étude sur les services fédéraux à l'Île-du-Prince-Édouard, dans laquelle nous faisions état du problème et demandions aux organismes centraux de travailler à la mise sur pied d'un centre de services fédéral entièrement bilingue dans la région de l'Évangéline, qui regroupe 30 p. 100 des francophones de l'Île, ou de trouver une autre solution appropriée. Malheureusement, le Secrétariat du Conseil du Trésor tarde à donner suite à ce projet ou à d'autres modalités susceptibles de faire respecter les droits du public concerné. Le Secrétariat se retranche derrière la nécessité d'évaluer plus à fond la situation, face à la réglementation touchant les bureaux à demande importante, pour retarder encore sa décision à ce sujet. Compte tenu du fait que le besoin d'un tel centre a clairement été démontré dans notre étude, et que la province s'est déjà elle-même dotée de bureaux semblables, nous espérons que les mesures appropriées seront prises sans délai dans ce dossier.

Élections fédérales et droits linguistiques

Un peu plus d'une centaine de plaintes ont été déposées auprès du Commissariat à la suite d'incidents mettant en cause la langue des services fédéraux fournis durant les élections fédérales de 1988. Les enquêtes auxquelles elles ont donné lieu nous ont permis de constater à quel point les citoyens canadiens sont loin d'être assurés de pouvoir pleinement exercer, dans leur langue, un droit aussi fondamental que celui de voter.

D'abord, de nombreuses anomalies ont été relevées au cours du recensement des électeurs. Plusieurs citoyens de circonscriptions bilingues (notamment au Nouveau-Brunswick et même dans la région de la Capitale nationale et au Québec) n'ont pu transiger dans leur langue avec les recenseurs, ces derniers n'ayant pas les connaissances linguistiques voulues. Les présidents d'élections, nommés par le Gouverneur en conseil et dont 85 p. 100 en étaient à leur première expérience, choisissent les recenseurs, scrutateurs et greffiers à partir de listes présentées par les candidats des deux principaux partis. On demande aux candidats des circonscriptions bilingues de fournir au moins 50 p. 100 de noms de personnes bilingues, mais cette règle est loin d'être suivie par tous. Dans ce contexte, il devient fort difficile pour le Directeur général des élections de respecter ses obligations linguistiques.

D'autre part, des lacunes ont été enregistrées dans le cadre des campagnes d'information sur le processus électoral. Ainsi, le choix de la langue des messages d'Élections Canada devant être diffusés par le canal parlementaire fut laissé à la discrétion des câblodistributeurs. Les abonnés de plusieurs minorités de langue officielle au pays ont donc été privés de ces informations dans leur langue. Le Directeur général des élections est cependant intervenu à la suite des plaintes qui lui ont été communiquées et a demandé aux câblodistributeurs dans les circonscriptions bilingues de retransmettre en alternance les messages français et anglais. De plus, les messages diffusés dans la presse écrite ne respectaient pas toujours équitablement les deux groupes linguistiques, le contenu de l'information n'étant pas aussi complet dans une langue que dans l'autre.

Devant cette situation, nous ne voyons d'autre possibilité que de demander au gouvernement d'entreprendre les démarches nécessaires en vue de modifier le processus électoral de façon à ce qu'il permette au Directeur général des élections de s'acquitter pleinement, comme il le souhaite, de ses responsabilités linguistiques envers la population canadienne. Le Directeur général devra quant à lui corriger les situations qui relèvent de sa compétence, c'est-à-dire l'information transmise au public par différents moyens.

Comme nous l'avons vu, les droits de la population canadienne en matière de langue de service se voient considérablement renforcés avec la nouvelle loi. Il est important que la réglementation du Gouverneur en conseil, qui précisera la portée de plusieurs de ses dispositions, soit fixée le plus tôt possible. Entretemps, à l'instar des mesures prises dans le domaine de l'offre active, le

gouvernement devrait s'attaquer avec vigueur aux autres embûches que soulève le service dans les deux langues officielles. Il devrait notamment informer adéquatement les Canadiens de leurs droits linguistiques, et responsabiliser davantage les employés de l'État à l'égard des services qu'ils doivent offrir au public dans les deux langues officielles.

Nous recommandons l'établissement d'une réglementation sur les communications avec le public et la prestation des services qui tienne compte des principes suivants :

- **la notion de *bureau* doit être clairement définie car elle sous-tend toute définition de demande importante ou de vocation du bureau ;**

- **la définition de l'application de la *demande importante* doit mettre l'accent sur la spécificité des minorités francophones et anglophones concernées, tout autant que sur la nature et le volume des communications (article 32(2)) ;**

- **la définition de l'application de la *vocation du bureau* (articles 24 et 26) doit garantir que le public soit à l'abri de tout préjudice pouvant nuire à sa santé ou à sa sécurité ; elle doit également préciser ce qui constitue le caractère national ou international des mandats de certains bureaux fédéraux (article 24) ;**

- **la définition des services réglementaires offerts aux voyageurs par des *tiers conventionnés* (article 23 (2)) doit garantir que le public ait accès dans sa langue à tous les services liés aux besoins du voyageur en tant que tel et non seulement aux services essentiels ;**

- **les institutions fédérales qui réglementent les activités de tiers exercées en matière de santé et de sécurité publiques doivent dûment tenir compte des besoins particuliers des minorités de langue officielle peu nombreuses ;**

- **le gouvernement se doit d'élaborer une politique appropriée et de mettre en œuvre dans les plus brefs délais son engagement à prendre toutes les mesures nécessaires en vue de garantir la prestation de services bilingues à l'occasion de la tenue au Canada d'événements nationaux et internationaux.**

De plus, nous réitérons nos recommandations des années précédentes, à savoir que le gouvernement se doit :

- **d'assurer que chaque bureau fournissant des services à une minorité de langue officielle compte en tout temps au moins un employé pleinement bilingue (niveau C) capable de pouvoir traiter les cas complexes ;**

- **d'éliminer le niveau élémentaire (A) de connaissance linguistique pour la plupart des postes de service au public ;**

- **d'adopter des mesures de contrôle rigoureuses afin d'assurer l'offre active continue des services dans les deux langues officielles ;**

- **de veiller à l'efficacité des arrangements administratifs adoptés en vue de pallier dans certaines situations le manque de personnel bilingue.**

4. Participation équitable : l'épreuve d'endurance

Le concept de la participation équitable dans les institutions fédérales, une des pierres angulaires de la réforme du régime linguistique depuis les années soixante, est maintenant intégré à la partie VI de la *Loi sur les langues officielles* de 1988. Cette loi prévoit que les Canadiens d'expression française et d'expression anglaise doivent tous deux avoir accès, dans le cadre du principe du mérite, à des chances égales « d'emploi et d'avancement » dans les institutions fédérales, peu importe l'origine ethnique ou la première langue apprise. De plus, le gouvernement est tenu de veiller à ce que les effectifs des institutions fédérales « tendent à refléter la présence au Canada des deux collectivités de langue officielle ». Pour bien « refléter » ces deux collectivités, il conviendrait de tenir compte de la vocation de chaque institution, notamment de leur *mandat*, de leur *public* et de leur *emplacement*. Le principe de la participation est également intégré aux grands objectifs de la Loi, garantissant ainsi le service au public dans les deux langues et réaffirmant l'égalité du français et de l'anglais comme langues de travail dans les institutions fédérales.

Les institutions fédérales

Dans la Loi, le concept des « institutions fédérales » est plus vaste que celui des organismes et ministères mentionné dans la Résolution parlementaire de 1973, laquelle énonça pour la première fois le concept de la « pleine participation des membres des collectivités francophone et anglophone dans la Fonction publique ». On retrouve, parmi les institutions fédérales, la structure administrative du Parlement et des tribunaux fédéraux, les sociétés d'État, les Forces armées et la Gendarmerie royale du Canada, de même que les ministères et les organismes proprement dits.

Les institutions fédérales réussissent-elles à offrir aux deux collectivités linguistiques des chances égales d'emploi et d'avancement et à leur garantir une participation équitable au sein de leur effectif ? Le tableau II.9 indique, en chiffres absolus et en pourcentages, le nombre d'employés francophones et anglophones dans les diverses structures gouvernementales. Dans l'ensemble, l'effectif fédéral a tendance à refléter la présence des deux collectivités de langue officielle du Canada, dans une proportion de trois pour un en faveur des anglophones. Au recensement de 1986, 64 p. 100 des Canadiens avaient indiqué l'anglais comme langue maternelle, 25 p. 100 le français, et 11 p. 100 une autre langue.

Tableau II.9

	Anglophones	%	Francophones	%	Langue [1] non précisée	%	Total
Ministères[2]	157 118	71,9	61 416	28,1	-		218 534
Sociétés d'État[2]	108 444	61,3	42 377	23,9	26 162	14,8	176 983
Parlement[3]	869	38,5	1 390	61,5	-		2 259
Forces armées[4]	62 738	73,0	23 204	27,0	-		85 942
GRC[5]	13 826	82,1	3 008	17,9	-		16 834
Total	**342 995**	**68,5**	**131 395**	**26,3**	**26 162**	**5,2**	**500 552**

[1] Les employés des sociétés d'État, qui figurent sous la rubrique « langue non précisée », travaillent pour les Chemins de fer nationaux, dans les régions du Canada où l'anglais prédomine.
[2] Système d'information des langues officielles du Conseil du Trésor.
[3] Comprend le personnel du Sénat, de la Chambre des communes et de la Bibliothèque du Parlement.
[4] Personnel militaire seulement (les civils sont comptés dans l'effectif des ministères)
[5] Membres seulement (les fonctionnaires sont comptés dans l'effectif des ministères).

Cet équilibre apparent n'en cache pas moins des déséquilibres sectoriels et hiérarchiques qui doivent être corrigés si l'on veut atteindre l'objectif d'égalité d'accès à l'emploi et à l'avancement.

Dans les ministères et les organismes fédéraux, il semble que les francophones soient en trop grand nombre dans la catégorie Soutien administratif, mais pas en nombre suffisant dans les postes de gestion. Tant à la GRC que dans les Forces armées, les francophones occupent davantage des postes aux échelons inférieurs que supérieurs. De plus, la part des emplois qu'ils détiennent dans les ministères et organismes du nord-est de l'Ontario est moins qu'équitable. Au Québec, le nombre d'employés anglophones est beaucoup moins élevé que ne le justifierait l'importance de leur population, tandis que dans les grandes sociétés d'État, la situation est tout à fait inversée en leur faveur.

Des trois facteurs mentionnés dans la Loi qui permettent de juger d'une participation « convenable », l'*emplacement* semble jouer le plus grand rôle. D'après les statistiques de la Commission de la Fonction publique, la mobilité du personnel entre les régions ou entre celles-ci et les administrations centrales situées dans la région d'Ottawa-Hull est très limitée. Le recrutement des employés fédéraux s'effectue en grande partie localement et ces derniers s'établissent généralement de façon permanente dans la région. De plus, la répartition des employés des ministères et des organismes est inégale au pays ; en effet, un tiers d'entre eux travaillent dans la région de la Capitale nationale, laquelle ne représente que 3 p. 100 de la population du Canada. Les effectifs de la Fonction publique fédérale, dans cette région, surtout aux échelons inférieurs, ont tendance à refléter la répartition linguistique locale plutôt que les chiffres nationaux. Des 70 000

fonctionnaires fédéraux qui travaillent dans la RCN, 64 p. 100 sont anglophones et 36 p. 100 sont francophones, une répartition qui correspond d'assez près à la composition linguistique de la population locale. La moitié des employés francophones, comparativement à un tiers des employés anglophones, se trouvent dans les catégories Soutien administratif et Exploitation, c'est-à-dire au bas de l'échelle des catégories d'emploi et de rémunération. Cette faiblesse suffit à elle seule pour expliquer le pourcentage global relativement élevé de francophones dans les ministères et les organismes du gouvernement. En effet, près de la moitié de tous les emplois dans la Fonction publique appartiennent à ces deux catégories. Le phénomène est plus particulièrement apparent dans les petits ministères et organismes situés dans les régions fortement bilingues.

Parallèlement, la composition linguistique du personnel dans les régions traduit assez fidèlement celle de la population active locale. Dans un grand nombre de ministères qui ont des bureaux un peu partout au Canada, le pourcentage général de l'effectif anglophone et francophone semble correspondre aux chiffres nationaux. Toutefois, du fait que certains bureaux fédéraux se trouvent uniquement dans une région, la composition linguistique de l'effectif est facilement prévisible. Par exemple, la Société d'expansion du Cap-Breton compte plus de 99 p. 100 d'anglophones (3 449 sur 3 454) alors qu'à l'Administration de la voie maritime du Saint-Laurent, qui est située au Québec, les francophones occupent 97 p. 100 des emplois (58 sur 60). Ailleurs, comme au ministère des Pêches et Océans et à celui des Affaires indiennes et du Nord, dont les employés se trouvent principalement dans des régions anglophones, le taux de participation des francophones est beaucoup moins élevé que les pourcentages nationaux (16 p. 100 et 15 p. 100 respectivement). La GRC dispense à contrat un service de police dans toutes les provinces, sauf au Québec et en Ontario où habitent la majorité des Canadiens d'expression française. À l'heure actuelle, 82 p. 100 des membres de la GRC sont anglophones et ce pourcentage ne devrait pas régresser bien au-dessous de 80 p. 100. Beaucoup de collectivités de langue minoritaire sont éloignées des principaux bureaux fédéraux de leur province dont, entre autres, la population francophone du district de Peace River (Alberta) et les Québécois anglophones de la péninsule de Gaspé. L'isolement des collectivités de langue minoritaire se traduit souvent par leur faible participation dans les institutions fédérales.

Quelques sociétés d'État ont examiné les taux de participation à leurs bureaux du Québec, mais les statistiques dont nous disposons pour l'ensemble des sociétés d'État ne nous permettent pas d'avoir une idée générale de la répartition des employés au Canada et à divers échelons de la hiérarchie. Avec l'adoption de la *Loi sur les langues officielles* de 1988, les sociétés devront porter une plus grande attention à cet aspect de leur exploitation.

Le *mandat* et le *public* sont les deux facteurs qui ont une incidence des plus évidentes sur le taux de participation dans les organismes qui ont mis en place une structure parallèle pour desservir un public anglophone et francophone. Avec ses

deux réseaux, la Société Radio-Canada compte 59 p. 100 d'anglophones et 41 p. 100 de francophones (6 621 et 4 530 respectivement). Le Conseil des Arts du Canada, qui doit lui aussi satisfaire à un double mandat linguistique, affiche un déséquilibre inquiétant avec 88 employés anglophones (38 p. 100) et 141 employés francophones (62 p. 100). À la Société Radio-Canada, la prédominance d'ingénieurs et de techniciens anglophones fait passer à plus de 50 p. 100 le pourcentage d'employés de langue anglaise ; au Conseil des Arts, le nombre élevé de francophones dans les postes de soutien administratif est suffisant pour faire monter le taux global de participation de ce groupe linguistique à plus de 50 p. 100.

Bien que la Loi laisse clairement aux organismes une souplesse raisonnable au moment d'établir un niveau de participation dit « convenable » de leur effectif, certaines situations continuent de poser des problèmes.

Catégorie du soutien administratif

Cette catégorie comprend les secrétaires, les opérateurs de traitement de texte et les commis, bref les employés indispensables au fonctionnement de la machine gouvernementale. Près du tiers de tous les emplois à la Fonction publique relèvent de cette catégorie (67 973 sur 218 534, ou 31,1 p. 100).

La région de la Capitale nationale

Le tableau ci-dessous indique la répartition des francophones et des anglophones dans les catégories d'agents et dans les catégories Soutien administratif et Exploitation dans les ministères fédéraux de la région de la Capitale nationale.

Tableau II.10

	Catégories d'agents %	Soutien administratif %	Exploitation %	Total %
Francophones	12 421 (30,2)	11 171 (45,4)	2 276 (47,4)	25 868 (36,7)
Anglophones	28 683 (69,8)	13 445 (54,6)	2 526 (52,6)	44 654 (63,3)
Total	**41 104 (58,3)**	**24 616 (34,9)**	**4 802 (6,8)**	**70 522 (100)**

La région de la Capitale nationale comprend 24 616 (36 p. 100) employés du soutien administratif. Compte tenu des conséquences du recrutement local sur cette situation, il serait normal que la proportion de francophones occupant de tels postes soit d'un pourcentage équivalent. De fait, ce groupe linguistique détient 45 p. 100 des postes de cette catégorie dans les ministères de la RCN. Ce pourcentage fort élevé représente un écart de 9 p. 100.

Ce pourcentage s'élève à 50,3 p. 100 dans 20 des plus petits ministères et organismes, puisque ces derniers n'ont qu'un bureau dans la région de la Capitale nationale seulement. Par conséquent, le déséquilibre dans les catégories Soutien administratif et Exploitation a des répercussions importantes sur la répartition globale de leur effectif.

Ce phénomène semble principalement attribuable aux exigences linguistiques des postes et à leur mode de dotation. Plus de la moitié (52 p. 100) des postes de la catégorie Soutien administratif dans la RCN nécessitent une connaissance du français et de l'anglais. Dans la majorité des cas, les ministères insistent pour embaucher des candidats qui satisfont aux exigences linguistiques de leur poste. Dans cette catégorie, plus souvent que dans d'autres, ils recruteront du personnel bilingue même si la dotation en ce sens n'est pas toujours impérative. De plus, les postes de cette catégorie sont offerts beaucoup plus souvent pour une période déterminée que ceux de la catégorie d'agents ; d'ailleurs, les postes bilingues dotés pour une période déterminée doivent être comblés par des candidats déjà bilingues. Nos propres études révèlent, pour 1987, que la dotation impérative a été effectuée pour 83 p. 100 des postes bilingues du soutien administratif, comparativement à 36 p. 100 des postes bilingues de la catégorie Gestion. Contrairement aux agents, les employés du soutien administratif se voient restreindre l'accès aux cours de langue, d'une part, à cause du nombre élevé de dotations impératives et, d'autre part, parce qu'il est souvent difficile de se passer d'un employé de soutien. À scolarité égale, plus de francophones que d'anglophones sont susceptibles d'être bilingues, ce qui leur confère un avantage lorsqu'ils postulent ce genre de poste. Par conséquent, il conviendrait d'examiner les facteurs, comme la disponibilité de candidats anglophones bilingues, le recrutement, les titres scolaires, les moyens de formation linguistique et les autres barrières systémiques qui semblent faire obstacle à une participation plus équitable des deux groupes linguistiques. Il conviendrait aussi d'examiner soigneusement si les exigences linguistiques des postes du soutien administratif ont été établies avec objectivité comme l'exige la Loi.

Participation régionale

Participation des anglophones au Québec

Depuis quelque temps déjà, nous observons une faible participation des Canadiens anglophones dans les ministères et organismes fédéraux du Québec situés à l'extérieur de la RCN. Cependant, la situation globale dans toutes les institutions fédérales, y compris les sociétés d'État, est plus encourageante. Les chiffres dont nous disposons nous empêchent de porter un jugement final sur cette question, mais les anglophones semblent avoir plus facilement accès que la moyenne à des postes dans les grandes sociétés d'État au Québec.

Une vue d'ensemble des sociétés d'État et des ministères et organismes fédéraux nous révèle que les anglophones occupent 16 p. 100 des quelque 66 000 postes de l'administration fédérale au Québec. Après répartition, le pourcentage d'anglophones se situe à 5,5 p. 100 dans les ministères et organismes fédéraux, alors que dans les sociétés d'État il s'élève à 26 p. 100. Toutefois, une analyse statistique ne saurait à elle seule rendre justice à une situation complexe. Trois des quatre grandes sociétés d'État au Québec (Via Rail, Air Canada et les Chemins de fer nationaux) ont leur siège social à Montréal et les taux de participation dans ces centres administratifs se rapprochent davantage des chiffres

nationaux que régionaux. À la Société canadienne des postes, la plus importante société d'État au Québec, les employés anglophones représentent seulement 2,5 p. 100 de l'effectif (364 sur 14 455).

Jusqu'en 1985, le pourcentage d'anglophones travaillant dans les ministères et organismes fédéraux au Québec était en régression constante. En 1987, observant chez le personnel des ministères que le taux de participation des anglophones était moins de la moitié de ce qu'il aurait dû être, compte tenu de leur importance démographique dans la province (12,6 p. 100), nous avons présenté un rapport spécial au Gouverneur en conseil afin que des mesures rigoureuses soient prises pour corriger la situation. Cette année, nous sommes en mesure de dire que la baisse a été arrêtée. En effet, bien que le nombre d'employés anglophones diminue depuis trois ans, son pourcentage s'est stabilisé à 5,5 p. 100. Il est encore plus encourageant de noter que l'âge moyen des employés anglophones diminue, preuve que des nouvelles recrues commencent à équilibrer les départs massifs de ceux qui prennent leur retraite. Malheureusement, cette faible remontée — le résultat d'efforts soutenus déployés par le Conseil du Trésor, la Commission de la Fonction publique et les bureaux de plusieurs ministères au Québec — s'est effectuée dans les catégories où les anglophones étaient déjà très présents. Ils occupent maintenant 17,5 p. 100 des postes dans la catégorie Scientifiques et spécialistes au Québec (528 sur 3 018) et ils représentent 20,8 p. 100 des recrues dans cette catégorie en 1988 (c'est-à-dire 27 sur 130). Dans le soutien administratif, les anglophones détiennent seulement 2,6 p. 100 des postes (247 sur 9 537) et comptent 7,4 p. 100 des recrues en 1988 (11 sur 148), situation qui, dans les deux cas, se situe bien au-dessous de leur pourcentage au sein de la population.

Quelques-uns des facteurs expliquant la prédominance des francophones dans la catégorie du soutien administratif dans la région de la Capitale nationale semblent également jouer au Québec : pourcentage élevé des postes nécessitant une connaissance des deux langues ou du français seulement et dotation fréquente de postes offerts pour une période déterminée qui obligent les titulaires à posséder d'emblée une capacité bilingue. La Commission de l'emploi et de l'immigration du Canada, qui s'occupe de recruter localement le personnel de soutien administratif destiné aux ministères fédéraux, commence à peine à solliciter les écoles et les associations de langue anglaise pour y recruter des personnes bilingues. La réintroduction des répertoires permanents devrait aussi donner plus de temps aux candidats qualifiés pour qu'ils se trouvent des postes convenables.

Comme on le soulignait précédemment, le personnel des sociétés d'État au Québec présente une composition linguistique très différente. Les trois grandes sociétés de transport dont le centre administratif est à Montréal — Air Canada, Via Rail et les Chemins de fer nationaux — regroupent à elles seules, à leur siège social ou ailleurs au Québec, près de 9 000 employés anglophones (sur 20 584), soit plus de cinq fois le nombre d'anglophones au service de tous les

ministères et organismes fédéraux au Québec. Les anglophones interviennent donc pour plus de 40 p. 100 du personnel dans ces trois établissements.

Participation des francophones au Nouveau-Brunswick et dans le nord-est de l'Ontario

Parmi les autres régions où nous avions constaté précédemment des déséquilibres en matière de participation, la situation semble s'améliorer au Nouveau-Brunswick, mais elle stagne dans le nord-est de l'Ontario. Au Nouveau-Brunswick, les francophones occupent 29 p. 100 des emplois dans les ministères et organismes fédéraux, une hausse par rapport aux 23 p. 100 enregistrés en 1983. Cependant, ils ne forment que 22 p. 100 du personnel des ministères situés dans le nord-est de l'Ontario, pourcentage qui est bien au-dessous de leur poids démographique (33 p. 100) et qui est demeuré à peu près inchangé depuis 1987. Des correctifs importants s'imposent dans cette région.

Dans notre Rapport de 1984, nous avions souligné que les francophones ne détenaient que 20,5 p. 100 de tous les postes de la catégorie Gestion dans les ministères fédéraux, pourcentage inchangé depuis 1981. Nous avions également signalé que les planificateurs de la Commission de la Fonction publique s'attendaient à ce que le pourcentage de francophones dans le groupe de la Direction augmente pour atteindre 25 p. 100 en 1987, mais la participation des francophones dans la catégorie Gestion se situe actuellement à 21,6 p. 100 seulement. Nous ne pouvons trouver aucune raison dans les trois facteurs qui influencent la participation, soit le *mandat*, le *public* ou l'*emplacement* des ministères, pour expliquer cette faiblesse. Une bonne partie des postes de la gestion sont situés dans la région de la Capitale nationale (2 866 ou 70 p. 100). La Commission de la Fonction publique a fait des progrès en dressant des listes de candidats aptes à être promus à de tels postes et en procédant au recrutement de gestionnaires à l'extérieur de la Fonction publique. En 1988, dix des 48 gestionnaires provenant du secteur privé étaient francophones, tout comme 64 des 257 fonctionnaires promus dans cette catégorie (24,2 p. 100). Ces chiffres sont encourageants puisqu'ils se rapprochent davantage des pourcentages nationaux, mais ils sont encore trop peu élevés pour corriger une situation qui perdure depuis trop longtemps.

En 1988, la participation francophone dans la catégorie Scientifiques et spécialistes s'est légèrement améliorée, passant de 21,9 p. 100 à 22,3 p. 100, mais elle s'écarte encore largement de la proportion de la population. Ce phénomène semble découler en grande partie des déséquilibres observés dans une demi-douzaine de grands ministères, tels que celui des Pêches et Océans et celui de l'Environnement. Qui plus est, les francophones occupent moins de 15 p. 100 des postes dans un petit nombre seulement de groupes clés comme les sciences biologiques, les sciences physiques et la recherche scientifique. Il faudra surveiller attentivement cette situation.

Il est évident que la *Loi sur les langues officielles* de 1988 n'a pas transformé du jour au lendemain la composition linguistique de la Fonction publique. Comme

par le passé, nous observons encore cette année les mêmes déséquilibres sectoriels, régionaux et hiérarchiques et la situation est demeurée à peu près inchangée dans la plupart des cas. Cependant, la nouvelle loi fournit un ensemble de critères plus précis et plus raisonnables qui permettront d'évaluer la performance de chaque institution fédérale et d'expliquer certains déséquilibres patents. Elle nous fournit également une garantie plus explicite des droits individuels et un énoncé des objectifs des collectivités.

Nous recommandons :

- **au Secrétariat du Conseil du Trésor de veiller à ce que les lettres d'entente qu'il conclura avec les ministères et organismes reflètent les critères de participation énoncés dans la *Loi sur les langues officielles* de 1988 ;**

- **à la Commission de la Fonction publique d'entreprendre une étude détaillée du recrutement des candidats à des postes de soutien administratif dans la Fonction publique fédérale, plus particulièrement dans la région de la Capitale nationale et au Québec, afin d'améliorer l'accès des Canadiens de langue anglaise à cette catégorie d'emploi ;**

- **à la Commission de la Fonction publique et au Secrétariat du Conseil du Trésor de prendre toutes les mesures qui s'imposent pour assurer la participation équilibrée des anglophones dans les institutions fédérales au Québec et la participation équilibrée de francophones hors du Québec, notamment dans le nord-est de l'Ontario et au Nouveau-Brunswick ;**

- **au Secrétariat du Conseil du Trésor et à la Commission de la Fonction publique de procéder à des études détaillées pour établir les raisons pour lesquelles les francophones demeurent sous-représentés dans les catégories clés de la gestion et des scientifiques et spécialistes et de prendre les mesures appropriées pour éliminer les obstacles qui empêchent l'égalité d'accès et l'avancement de ce groupe dans les catégories en question ;**

- **au Secrétariat du Conseil du Trésor de prendre les mesures nécessaires pour assurer la pleine participation des deux groupes linguistiques dans le domaine de la science et de la technologie ;**

- **aux sociétés d'État d'examiner la participation des deux groupes linguistiques au sein de leur effectif et de formuler des plans pour corriger les déséquilibres.**

5. La langue de travail : l'épreuve de vérité

C'est sans ambages que le Premier ministre fit part de sa position le 27 mars 1985 à l'égard de la place du français comme langue de travail dans l'administration fédérale. « Si on n'est pas en mesure de travailler en français, c'est du folklore, et, à tout prix, faut-il conserver l'intégrité de cet instrument et de cette richesse culturelle et linguistique. » Par ces paroles, il actualisa une préoccupation exprimée par la Commission royale sur le bilinguisme et le biculturalisme qui, il y a 20 ans, énonçait qu'« une langue qui n'est pas utilisée dans le monde du travail ne peut à long terme s'épanouir malgré les dispositions législatives garantissant son emploi dans les services publics, devant les tribunaux et à l'école »[1]. Les trois Commissaires aux langues officielles ont d'ailleurs bien souvent repris ces thèmes.

L'encadrement législatif

Le Parlement a réaffirmé dans la *Loi sur les langues officielles* de 1988 l'égalité de statut des deux langues officielles au sein des institutions fédérales. On doit lui reconnaître le mérite d'avoir rendu explicite le droit des employés des institutions fédérales d'utiliser au travail la langue de leur choix dans les régions désignées. Les institutions fédérales sont désormais obligées de veiller à ce que leur milieu de travail, dans la région de la Capitale nationale et dans les régions désignées par renvoi à la circulaire 1977-46 du Conseil du Trésor, soit propice à l'usage du français et de l'anglais afin que les employés puissent exercer leur droit d'utiliser l'une ou l'autre langue. Ces dispositions sont déjà en vigueur, mais nous attendons avec impatience la future réglementation du Gouverneur en conseil en matière de langue de travail, qui devrait préciser les modalités et les mesures concrètes qu'entend prendre le gouvernement pour assurer un tel milieu de travail et pour satisfaire aux exigences relatives à la surveillance bilingue dans les régions concernées. Il faudra également voir à préciser l'article 35(1)b) de la Loi traitant de la responsabilité des institutions fédérales de veiller à ce que, à l'extérieur des régions désignées, la situation des deux langues en milieu de travail soit comparable entre les régions ou secteurs où l'une ou l'autre

[1] Tome III, page 3

prédomine. Toutes ces nouvelles dispositions devraient donner un nouvel élan à ce parent pauvre du programme des langues officielles qu'est la langue de travail.

Rendement des institutions en 1988

À la lumière des plaintes reçues et de nos vérifications, l'année 1988 aura mis en évidence que, dans les faits, l'égalité de statut des deux langues dans les régions désignées bilingues n'est hélas pas pour demain. Nous constatons une fois de plus que la situation globale demeure inchangée : le français n'est pas utilisé comme il le devrait dans la région de la Capitale nationale, et encore moins dans les régions bilingues hors du Québec. Quant à l'anglais, il détient toujours une place enviable comme langue de travail dans la plupart des sociétés d'État au Québec, alors qu'il est sous-utilisé dans la majorité des ministères fédéraux de cette province.

Le Secrétariat du Conseil du Trésor a pris, au cours de l'année, quelques bonnes initiatives. D'abord, il a amorcé une étude afin de déterminer les facteurs qui encouragent l'utilisation des deux langues en milieu de travail, puis a enfin distribué à toutes les institutions fédérales son guide intitulé « La présidence de réunions — comment tenir vos réunions avec succès dans les deux langues officielles ». Ces deux initiatives, fort utiles, témoignent des recommandations que nous avions formulées l'an dernier, mais il faut, à notre avis, aller plus vite et plus loin. Le Secrétariat a aussi préparé un dépliant destiné à faire connaître aux employés les faits saillants de la *Loi sur les langues officielles*. En outre, il a mené une étude sur l'usage du français dans le domaine scientifique, en incluant les publications techniques et scientifiques, et il a émis une politique sur les technologies de l'information et les langues officielles. Toutefois, au moment de rédiger ce rapport, aucune de ces mesures ne laissait entrevoir des résultats concrets.

Surveillance et documents de travail

En matière de surveillance dans les régions désignées, 20 p. 100 (3 646) des surveillants ne possèdent toujours pas les capacités linguistiques requises. Les communications orales entre les bureaux d'Ottawa-Hull et le Québec se font encore à maintes occasions uniquement en anglais en raison des connaissances limitées dans la langue seconde de bien des employés d'Ottawa-Hull. Il est clair qu'un milieu de travail dans lequel un nombre important de surveillants et d'employés n'arrivent pas à comprendre leur langue seconde rend difficile, voire impossible, l'utilisation des deux langues. Enfin, les institutions ne semblent pas avoir accordé toute l'attention voulue à notre recommandation qui suggérait que les fonctionnaires de langue minoritaire devraient normalement utiliser leur propre langue au travail, sous réserve des obligations linguistiques de leurs fonctions, et être incités à le faire par leurs supérieurs hiérarchiques.

Les documents de travail — notes de services, rapports financiers, plans de travail, directives — sont encore plus souvent unilingues anglais qu'on serait porté

à le croire après vingt ans. Dans plusieurs ministères, bon nombre de documents de nature technique ou scientifique n'existent qu'en anglais parce que l'on a omis d'exiger de leurs fournisseurs une documentation bilingue. Cette situation déplorable sévit également dans le domaine de l'informatique. Bien que les ordinateurs fonctionnent généralement dans les deux langues, la formation, les instruments et la documentation (manuels, logiciels, claviers) ne sont souvent disponibles qu'en anglais. Nous sommes heureux de la politique qu'a émise, en décembre 1988, le Secrétariat du Conseil du Trésor afin de redresser la situation.

La région de la Capitale nationale

Au printemps 1988, nous avons réuni une quarantaine d'employés fédéraux représentant 22 ministères de la région de la Capitale nationale (RCN), pour discuter de leur expérience linguistique au travail. Entendus séparément, les deux groupes linguistiques ont exprimé une opinion commune quant au rôle insuffisant accordé au français dans les bureaux de la RCN. Les anglophones ont suggéré que l'on suscite le besoin de travailler en français et ont dit souhaiter que les francophones insistent pour utiliser le français au travail. Les francophones ont pour leur part affirmé clairement leur désir de travailler davantage en français et ont mentionné les barrières systémiques et les habitudes qui découragent l'usage du français au travail, comme l'unilinguisme de certains anglophones qui rend impossible la communication efficace durant les réunions.

Selon notre analyse, certaines attitudes et circonstances, moins évidentes mais tout de même importantes, empêchent le libre choix de la langue de travail. Un peu plus du tiers des 2 866 cadres de la catégorie Gestion dans la région de la Capitale nationale comprennent et parlent leur langue seconde à un niveau fonctionnel (niveaux C et E), tandis que 240 cadres ne possèdent même pas les connaissances linguistiques minimales. Il ne faut donc pas se surprendre que plus d'un Canadien d'expression française craigne d'être qualifié de mauvaise tête s'il persiste à vouloir travailler dans sa langue. Dans certains cas, l'incompréhension de leurs surveillants, insuffisamment bilingues, risquerait d'avoir des répercussions fâcheuses au moment de leur évaluation du rendement.

Nous avons également recueilli les témoignages de 20 cadres supérieurs bilingues, tous anglophones. Ces derniers avouent ne pas être motivés à utiliser le français dans la RCN parce que la plupart des anglophones n'éprouvent pas encore vraiment le besoin de devenir bilingues et de le rester. Ils peuvent donc suivre la formation linguistique, réussir l'examen et impunément continuer à travailler exclusivement en anglais.

Le Nouveau-Brunswick

Qu'en est-il des fonctionnaires fédéraux au Nouveau-Brunswick ? La place du français n'y est guère mieux assurée. Eux aussi réclament une application plus rigoureuse des politiques actuelles, comme celles régissant les documents de travail, les réunions et la surveillance bilingues. À ces constats issus du sondage que nous avons effectué auprès de 3 000 fonctionnaires de 15 ministères fédéraux œuvrant au Nouveau-Brunswick, s'ajoutent les besoins de mieux connaître

les droits et les devoirs en matière de langue de travail, et de former des surveillants qui sauront créer un climat de travail favorable à l'utilisation des deux langues. Ces réactions rejoignent étrangement les préoccupations exprimées par les gestionnaires et les employés de la RCN.

Si l'on constate l'asymétrie d'ordres démographique, social, culturel et parfois économique entre les deux langues dans cette province, le facteur le plus décisif pour la langue de travail semble être la présence de collègues unilingues dans l'environnement immédiat. En effet, le fonctionnaire type de langue française doit se rapporter, dans un cas sur trois, à un surveillant unilingue anglophone et en outre, est entouré de trois collègues unilingues en moyenne. En revanche, les chances d'un anglophone d'avoir un collègue ou un subalterne francophone unilingue ne sont que de 3,5 sur 100. L'environnement provoque aussi un effet d'entraînement puisque plus les fonctionnaires francophones ou bilingues sont nombreux dans un environnement de travail donné, plus le français s'y parle et s'y écrit.

Dans cette province, bien que la moitié des 45 cadres supérieurs comprennent et parlent aisément leur langue seconde, le français n'est pas assez utilisé comme langue de travail. Le fait qu'un surveillant soit bilingue n'est pas garant d'un milieu bilingue. Il revient au surveillant de s'efforcer à encourager l'utilisation des deux langues.

Le français et les sciences

Largement influencé par nos voisins américains, le marché de la science, tout comme celui de la technologie, a adopté l'anglais comme langue de travail. Ainsi, les principales revues scientifiques sont rédigées en anglais et les scientifiques francophones écrivent et publient surtout en anglais. En somme, comme nous l'a précisé un plaignant « pour être lu et compris dans ce domaine, il faut communiquer en anglais ». Par conséquent, il est devenu impérieux de créer une nouvelle dynamique autour de l'usage du français avant qu'il ne se retire en douce et ne s'efface complètement de la vie quotidienne des scientifiques et des technologues. Certains ministères, comme celui des Communications et celui des Pêches et Océans, ont décidé d'exposer à un environnement plus francophone certaines de leurs activités dans le domaine de la technologie et de la science en installant des centres de recherche à Montréal et à Mont-Joli. Ces efforts, décrits plus bas, sont méritoires. Cependant, le gouvernement fédéral se doit de formuler une politique qui viserait à assurer la pleine participation des scientifiques francophones et de créer pour eux un milieu de travail favorable à l'utilisation créatrice du français. Cette politique pourrait se fonder sur certains principes, comme le mentionnait le Commissaire en mai 1987 au cours de sa présentation à l'Association canadienne-française pour l'avancement des sciences. Ainsi, on pourrait augmenter les échanges avec la communauté scientifique francophone, inciter les scientifiques à rédiger et à publier en français, encourager la participation canadienne à des projets scientifiques internationaux

où le français serait la langue de travail, et finalement mettre sur pied un groupe de travail chargé de l'élaboration d'un logiciel d'expression française, afin qu'il établisse un plan d'action pour promouvoir le français comme une des deux langues scientifiques au fédéral, dans certaines universités et industries.

L'informatisation du travail

Créé en 1985 et relevant du ministère des Communications, le Centre canadien de recherche sur l'informatisation du travail assume le leadership de la recherche appliquée dans les domaines des systèmes informatisés de bureau et s'assure que ces systèmes contribuent à la productivité des entreprises des secteurs public et privé. La clientèle est donc des plus diversifiées. Elle regroupe les utilisateurs, les décideurs de l'entreprise privée et des organismes gouvernementaux, ainsi que des spécialistes et des chercheurs. Situé à Laval, le Centre compte une soixantaine d'employés dont plus de 80 p. 100 sont francophones. Il va sans dire que le Centre tente d'accorder une grande place au français. À ce titre, son emplacement géographique, sa forte proportion de francophones, le bilinguisme moins passif des anglophones et la possibilité réelle de concevoir et de réaliser des projets en français contribuent à atténuer la prépondérance de l'anglais dans ce domaine de haute technologie. Cependant, la forte proportion de postes bilingues (78 p. 100) traduit la nécessité quasi absolue de s'alimenter aux technologies de pointe américaines en matière d'informatique et de bureautique. Il y aurait donc lieu de déployer des efforts d'imagination et d'organisation afin de favoriser l'usage constructif du français.

Il est évident que le rôle du français comme langue de travail à ce centre de recherche n'est pas pleinement assumé, particulièrement en ce qui a trait à la rédaction des rapports de recherche. Si les sciences et la technologie semblent favoriser naturellement la prépondérance de l'anglais, il faut cependant garder en tête que ce sont d'abord les individus qui font les systèmes et qui en contrôlent le développement. À cet égard, une volonté manifeste et soutenue du gouvernement pourrait faire toute une différence.

L'Institut Maurice-Lamontagne

L'Institut Maurice-Lamontagne est le dernier-né des centres de recherche du ministère des Pêches et Océans. Établi à Mont-Joli et officiellement ouvert depuis juin 1987, il est le seul centre de recherche à regrouper les trois volets d'activités scientifiques du Ministère, soit l'hydrographie, l'océanographie et la recherche sur les pêches. De plus, il se définit comme un centre où la langue de travail est le français, mais où l'anglais n'y est pas complètement absent. En raison des communications fréquentes avec des pêcheurs et des collègues chercheurs anglophones, et du besoin de recourir à des sources scientifiques internationales en anglais, 52 p. 100 des postes sont désignés bilingues. Il y a tout de même une centaine de postes (48 p. 100) requérant essentiellement le français. Les titulaires de postes bilingues n'utiliseraient l'anglais que de 20 à 30 p. 100 de leur temps, en incluant la rédaction des rapports de recherche qui, pour la plupart, s'effectue en anglais. Enfin, l'Institut possède une composante située à Sainte-Anne-de-Bellevue, la station de biologie arctique où l'on trouve

encore plusieurs employés anglophones ne possédant que le niveau élémentaire en langue seconde ; ce qui ne facilite pas les communications en français dans cette station.

Des représentants de l'Institut nous ont précisé que les employés étaient prêts à faire de la recherche en français et à accroître son utilisation dans l'avenir. L'emplacement de l'Institut dans une région majoritairement francophone, ainsi que les liens étroits qu'elle entretient avec l'Université Laval et l'Université du Québec à Rimouski, contribuent à augmenter l'utilisation du français dans le domaine scientifique.

Aucun de ces deux centres n'a encore atteint sa vitesse de croisière. La volonté des décideurs administratifs en place et l'attitude des anglophones à l'égard du français sont les éléments clés qui devront se maintenir et s'accentuer afin d'accroître l'utilisation du français au travail.

Formation et perfectionnement professionnels

Nous avons déjà souligné que les activités de formation et de perfectionnement devraient être offertes dans les deux langues officielles. De toute évidence, l'anglais domine encore largement, et l'employé n'a pas toujours, dans les faits, la possibilité de choisir la langue dans laquelle il voudrait suivre sa formation professionnelle. En 1988, la Commission de la Fonction publique (CFP) a offert plus de 50 cours en anglais seulement. Il n'est donc pas étonnant de constater que 41 p. 100 des francophones ayant suivi des cours de formation professionnelle à la CFP l'aient fait en anglais. De plus, l'omniprésence de l'anglais au travail incite un bon nombre d'employés francophones à suivre leurs activités de formation et de perfectionnement en anglais. Ainsi, bien des gestionnaires francophones choisissent de suivre leur formation au Centre canadien de gestion en anglais, même si ce dernier estime offrir une formation de qualité égale dans les deux langues. Par ailleurs, il arrive souvent qu'un cours offert en français soit annulé à cause d'un nombre insuffisant d'inscriptions. Par conséquent, la Commission de la Fonction publique a dû annuler la moitié des cours offerts en français en 1987, malgré des efforts considérables pour inciter les employés à s'y inscrire. En ce qui concerne la formation et le perfectionnement des fonctionnaires fédéraux anglophones au Québec, c'est surtout l'accessibilité aux cours en anglais qui pose parfois des difficultés. Ce problème nous apparaît toutefois facilement surmontable si l'on fournit des efforts supplémentaires et soutenus.

Le déséquilibre linguistique dans la formation et le perfectionnement touche l'ensemble des institutions fédérales. Le libre choix de la langue de formation ainsi que l'incitation pour les francophones à suivre leurs cours de formation dans leur langue sont d'une importance capitale pour l'usage effectif du français et de l'anglais comme langues de travail. L'équilibre des deux langues officielles dans la formation professionnelle permettrait non seulement de mieux former les

employés de l'État dans leur propre langue, mais aussi de les recycler sur le plan linguistique en entraînant des retombées positives tant au plan de l'usage qu'à celui de la qualité. Dans cet esprit, nous croyons opportun d'encourager le gouvernement à étendre aux catégories de gestion des institutions fédérales, en plus des cours qui se donnent en français et en anglais, la prestation de cours bilingues comme c'est le cas pour les sous-ministres adjoints, et d'accorder la priorité aux membres de ces catégories.

Les dirigeants des institutions fédérales

En dernier lieu, nous devons signaler l'influence des dirigeants des institutions fédérales sur la langue de travail. L'expérience prouve que la performance linguistique et l'intérêt envers les langues officielles du sous-chef et de ses collaborateurs immédiats influencent considérablement l'utilisation au travail de l'une ou l'autre langue officielle. La volonté politique s'est exprimée clairement et doit se traduire maintenant en des mesures administratives concrètes émanant des agences centrales. Ces mesures devront se répercuter dans chaque institution fédérale afin que soient valorisées au même titre les deux langues en milieu de travail.

Le programme des langues officielles, et plus particulièrement l'objectif de la langue de travail, ne fait pas uniquement appel à la question des ressources mais aussi à la bonne volonté et à la créativité en milieu de travail. Nous préconisons de nouveau l'idée de la reconnaissance d'une obligation civique réciproque, c'est-à-dire un effort de bon gré de la part des employés de langue majoritaire et minoritaire bilingues en vue d'une plus grande utilisation de la langue minoritaire en milieu de travail. Ce serait un moyen fort valable pour favoriser l'équilibre linguistique dans les situations où une langue domine indûment les communications. Cela contribuerait largement à donner à la langue minoritaire la place qui lui revient dans les institutions fédérales et à conserver les acquis aux employés bilingues.

Nous recommandons :

- **au Gouverneur en conseil d'émettre une réglementation visant à créer et à maintenir un milieu de travail propice à l'usage effectif des deux langues officielles dans les régions et les lieux désignés, et plus particulièrement de veiller à ce que la haute direction et les surveillants, dans ces régions ou lieux, soient en mesure de s'acquitter de leurs fonctions dans les deux langues de sorte que les employés puissent utiliser librement le français et l'anglais ;**

- **au Secrétariat du Conseil du Trésor d'adopter et de mettre de l'avant une politique visant à créer un milieu de travail propice à l'utilisation du français, de même que de l'anglais là où le problème se pose ;**

- **à la Commission de la Fonction publique et aux sociétés d'État d'ajouter aux cours séparés en français et en anglais, qui devraient**

demeurer la norme, des cours de formation et de perfectionnement bilingues pour leurs membres de la catégorie Gestion ;

- **au gouvernement de prendre toutes les mesures nécessaires pour favoriser l'utilisation du français comme langue scientifique dans les institutions fédérales ;**

- **au gouvernement de mettre de l'avant des mesures incitatives fondées sur la Loi et sur la reconnaissance d'une obligation civique réciproque en vue d'un usage plus équilibré de la langue minoritaire en milieu de travail.**

PARTIE III

Évaluation : l'égalité dans les institutions

Cinquante joueurs : l'aube du renouveau

Les cinquante ministères, organismes et sociétés d'État qui font l'objet de notre analyse cette année ont été choisis parmi les quelque 180 institutions fédérales auxquelles la *Loi sur les langues officielles* impose des obligations. L'effectif de ces institutions varie entre plusieurs centaines et quelque 120 000 employés. Elles jouent toutes un rôle important auprès des Canadiens même si certaines ont peu de contacts directs avec le grand public.

Chaque année, nous réexaminons le comportement linguistique de certaines institutions très en vue et nous en incluons d'autres, marquées d'un astérisque, ayant fait l'objet d'une vérification linguistique ou d'un suivi. Nous nous intéressons également à d'autres institutions dont l'évaluation remonte à quelques années et dont il faut par conséquent reprendre le pouls linguistique.

Nous évaluons le comportement linguistique de chaque institution en fonction de trois éléments fondamentaux du programme des langues officielles : la langue de service, la langue de travail et la participation équitable. Nous faisons également des observations sur la façon dont l'institution administre le programme dans son ensemble et sur la suite qu'elle accorde aux plaintes.

La *Loi sur les langues officielles* de 1988 apporte une précision nouvelle à nos évaluations et nous pose de nouveaux défis. Elle rend plus explicites les obligations des institutions en matière de langue de service. À titre d'exemple, la Loi énonce maintenant que les institutions fédérales doivent offrir activement leurs services au public dans les deux langues officielles. C'est là une question sur laquelle nous nous sommes penchés pendant plusieurs années.

De plus, la Loi établit clairement les normes en matière de langue de travail. Les institutions sont tenues de s'assurer que, dans les régions désignées bilingues, leur milieu de travail est « propice à l'usage effectif des deux langues officielles ». La Loi inscrit ainsi en droit les considérations qui n'ont cessé d'être présentes à notre esprit dans notre analyse des questions ayant trait à la langue de travail. Nous continuons par ailleurs à déterminer si les instruments de travail existent dans les deux langues et si les surveillants assument leurs responsabilités dans la langue officielle des employés qu'ils encadrent.

En ce qui concerne la participation équitable, nous avons ajusté notre démarche en fonction des dispositions de la Loi de 1988, qui exigent que l'on tienne compte du mandat de l'institution, du public qu'elle sert et de l'emplacement de ses bureaux. Dans certains cas, nous avons réussi à déterminer si une institution avait respecté son engagement d'assurer aux Canadiens d'expression française et d'expression anglaise des chances égales d'emploi.

Parmi les institutions évaluées cette année, certaines ont obtenu un rendement qui laisse nettement à désirer, d'autres ont fait preuve d'un comportement exemplaire, témoignant dans l'ensemble que le programme serait à l'aube d'un renouveau. Bref, notre analyse nous a permis de constater un engagement de plus en plus répandu envers la réforme du régime linguistique et une volonté de s'atteler à la tâche. Il faut donc considérer nos critiques comme des encouragements. Par contre, nos louanges ne doivent pas inciter celles auxquelles elles s'adressent à se reposer sur leurs lauriers.

Affaires extérieures*

La haute gestion et les autres gestionnaires devraient accorder une plus grande importance aux langues officielles, car les problèmes qui persistent au sein du ministère des Affaires extérieures ne pourront être résolus sans un rôle plus actif de leur part. En effet, le français tarde à prendre sa place comme langue de travail, même si le service au public continue d'être généralement disponible dans les deux langues officielles. Quant à la participation des deux groupes linguistiques, elle est acceptable du point de vue global, mais les déséquilibres sectoriels notés au cours des dernières années persistent. Par ailleurs, le Ministère n'apporte pas de solutions satisfaisantes à certaines plaintes importantes et celles-ci refont périodiquement surface.

La performance du Ministère en matière de prestation de services bilingues continue d'être bonne, sauf pour l'accueil téléphonique dans certaines directions de l'administration centrale et dans certaines missions à l'étranger, de même que dans les bureaux de passeports au Canada qui ne disposent que d'un seul employé bilingue. On a d'ailleurs rappelé cette année aux chefs de mission que les employés recrutés sur place et qui sont en contact direct avec le public devraient parler les deux langues officielles du Canada.

Dans un autre ordre d'idée, la campagne de promotion du libre-échange entamée l'an dernier s'est poursuivie cette année avec les mêmes ratés. On se rappellera que l'an passé, la disponibilité du service en français, au numéro Zénith sur le libre-échange, était très irrégulière. Le Ministère a mis de longs mois à corriger la situation malgré de nombreuses plaintes à cet effet. En septembre 1988, le Ministère a envoyé une lettre traitant du libre-échange à de nombreux résidents de l'Ontario et de la Colombie-Britannique, qui avaient téléphoné au numéro Zénith en 1987. Cette lettre a été diffusée en anglais seulement. Une telle pratique est difficilement justifiable d'autant plus qu'une situation similaire s'était

produite l'an dernier, pour l'envoi d'un questionnaire sur l'apartheid. Il est grand temps que le Ministère prenne les mesures qui s'imposent lorsque des campagnes d'une telle envergure sont entreprises afin d'assurer un meilleur respect des droits linguistiques des Canadiens.

Des 1 125 employés non permutants qui occupent un poste bilingue, 985 (87,6 p. 100) satisfont aux exigences linguistiques. Parmi les agents du service extérieur, 79 p. 100 (917) sont bilingues, soit le même pourcentage que l'an passé. On note une légère augmentation du pourcentage de secrétaires permutantes bilingues, qui est passé de 51,2 p. 100 à 53,2 p. 100. Toutefois, aucune secrétaire n'a suivi de cours de langue cette année, comparativement à quatre en 1987. Le Ministère entend embaucher une cinquantaine de secrétaires bilingues au cours de la prochaine année, espérant ainsi augmenter la proportion de celles-ci à environ 60 p. 100. Il devra malgré tout déployer des efforts plus soutenus en matière de formation linguistique puisque ses campagnes de recrutement antérieures n'ont pas produit les résultats escomptés.

Au chapitre de la langue de travail, les services centraux et du personnel disposent d'une bonne capacité bilingue, tandis que le groupe de la vérification interne accuse encore certaines faiblesses à cet égard. Dans le domaine informatique, la situation est assez bonne et le nouveau système de communications du Ministère (RICCAD), qui reliera l'administration centrale à toutes ses missions, sera opérationnel en français et en anglais dès la première phase de sa mise en œuvre. Le manque d'agents de communications et de secrétaires bilingues (32 et 53 p. 100 respectivement) continue d'être un obstacle de taille à l'utilisation des deux langues.

Le Ministère mérite cependant des félicitations pour ses efforts en matière de formation professionnelle. En effet, il a terminé son étude portant sur les raisons qui incitent un grand nombre d'employés d'expression française à s'inscrire aux cours en anglais. Les principales raisons invoquées sont le manque de disponibilité et la faible fréquence des activités de formation en français. De plus, certains employés francophones ont expliqué leur choix en signalant qu'ils auront à travailler largement en anglais après avoir suivi les cours de formation. Le Ministère a décidé d'élaborer un plan d'action pour s'attaquer aux problèmes de disponibilité et de fréquence des cours en français, ce qui devrait permettre, à l'avenir, à un plus grand nombre de francophones de suivre des cours de formation dans leur langue.

Les taux de participation des deux groupes linguistiques sont sensiblement les mêmes que l'an dernier, soit respectivement de 71,6 p. 100 et 28,4 p. 100 sur un effectif de 4 082 employés. Les gestionnaires supérieurs francophones sont toujours trop peu nombreux, ils ne comptent que pour 19,4 p. 100 des 438 employés. La situation n'a presque pas changé au cours des trois ou quatre dernières années. Des 1 157 agents du service extérieur, 278 sont d'expression française (24 p. 100).

La Direction des langues officielles ne possède toujours pas les ressources humaines nécessaires pour administrer efficacement le programme des langues officielles. Sur les 11 employés de cette direction, deux seulement ont la responsabilité de l'élaboration des politiques, de l'évaluation, du contrôle, de la vérification et des plaintes. Il faut aussi noter que le poste clé de Chef des politiques et de l'évaluation est resté vacant toute l'année, ce qui n'a fait qu'exacerber une situation déjà difficile. Par conséquent, la Direction n'a pas les moyens d'exercer des contrôles réguliers et de s'assurer du respect de la politique des langues officielles par les gestionnaires. La situation à l'étranger pourrait être améliorée ; les coordonnateurs des langues officielles sur place devraient examiner plus fréquemment la situation des langues officielles et en faire rapport à l'administration centrale. Quant à la vérification interne, qui englobe les langues officielles, elle ne touche qu'une direction par année à l'administration centrale.

Cette année, nous avons reçu 26 plaintes contre le Ministère comparativement à 30 l'an dernier. Vingt de ces plaintes concernaient la langue de service et six la langue de travail. Au chapitre de la langue de service, les plaintes concernant le libre-échange demeurent les plus sérieuses. En ce qui concerne la langue de travail, c'est la tenue de séances d'information entièrement en anglais sur le nouveau système RICCAD qui retient l'attention. L'utilisation de la traduction simultanée ne constituait pas, selon nous, une solution valable d'autant plus que ces séances s'adressaient à plus de 700 employés d'expression française. Le Ministère aurait dû organiser des séances dans chaque langue ou alors s'assurer d'un équilibre entre les deux langues durant les présentations.

De façon générale, la Direction des langues officielles s'occupe promptement des plaintes. Toutefois, les réponses fournies par les gestionnaires concernés sont trop souvent évasives et ne comportent pas d'engagement précis pour apporter les correctifs nécessaires. Pour la plupart des plaintes transmises au Ministère cette année, nous avons dû revenir à la charge. Par exemple, en mai dernier, la Direction de la promotion du commerce et du tourisme — États-Unis —, qui faisait face à un problème d'accueil téléphonique unilingue, s'était engagée à embaucher une secrétaire bilingue lorsqu'un poste deviendrait vacant. Or, nous apprenions, en novembre, que malgré les promesses du Ministère, une autre employée unilingue a comblé le poste.

Affaires indiennes et du Nord canadien*

Le ministère des Affaires indiennes et du Nord canadien a encore fort à faire sur presque tous les plans de son programme des langues officielles. Néanmoins, les efforts qu'il déploie pour accroître l'usage du français et pour améliorer la gestion du programme semblent être précurseurs de progrès.

Une nouvelle politique ministérielle a été conçue en 1988, ce qui représente une nette amélioration. Contrairement à la précédente, elle précise clairement l'imputabilité des gestionnaires à l'égard de leur rendement dans le domaine des

langues officielles. En outre, les vérificateurs internes du Ministère tiennent à nouveau compte de la dimension linguistique dans leurs activités. Enfin, à la demande expresse du sous-ministre, un système de contrôle des communications avec le Québec a été mis sur pied.

Le nombre de postes exigeant une connaissance des deux langues a baissé en 1988. Cependant, en s'appuyant sur un sondage réalisé il y a quelques années, le Ministère soutient que ce nombre est suffisant pour répondre à la demande de services en français. À la suite de notre récente vérification, nous avons recommandé une mise à jour régulière des résultats de ce sondage.

Une juste évaluation de l'importance de la demande de services dans la deuxième langue commence logiquement par l'offre active de services bilingues de la part de l'institution. Par conséquent, le Ministère devrait s'identifier en français et en anglais, accueillir les visiteurs dans les deux langues et inviter les clients à remplir les documents requis dans leur langue officielle d'élection, dans toutes les régions où la demande — réelle ou potentielle — est importante. L'affichage devrait être en français et en anglais dans tous les bureaux du Ministère, et les publications et formules devraient être également visibles dans les deux langues. La plupart des bureaux du Ministère ont déjà une certaine capacité bilingue, parfois par accident plus qu'à dessein, mais cette capacité est utilisée par à-coups. À notre avis, la répartition du personnel bilingue devrait être soigneusement planifiée. Nous avons recommandé une réévaluation et un accroissement de la capacité bilingue des différents secteurs du programme des Affaires indiennes et inuit pour répondre aux besoins.

Le Ministère a du mal à atteindre ses objectifs en matière de langue de travail du fait que 20 p. 100 des surveillants ne répondent pas aux exigences linguistiques de leur poste. Il ne faut donc pas s'étonner que les employés francophones aient toujours peu d'occasions d'utiliser leur langue durant les réunions ou par écrit, et que leur évaluation annuelle de rendement continue de se faire très souvent en anglais. Nous avons recommandé au Ministère de réévaluer les exigences linguistiques des postes de surveillance et de se doter d'un plan d'amélioration des aptitudes linguistiques des cadres. Cela dit, les services centraux et du personnel sont disponibles dans les deux langues officielles, tout comme la plupart des instruments de travail, et l'on a clairement informé les employés qu'ils pouvaient présenter des documents en français ou en anglais au cabinet du sous-ministre. L'égalité et l'équité linguistiques sont impossibles sans l'engagement et l'exemple de la haute direction. Nous félicitons le sous-ministre de cette initiative dont les retombées commencent, semble-t-il, à se faire sentir dans toute l'organisation.

Le taux de participation des francophones demeure inchangé (15,2 p. 100). Ce qui inquiète le plus, c'est la pénurie de francophones dans la catégorie Gestion, avec 10,5 p. 100 de l'effectif (14 employés sur 133). La participation des

anglophones a augmenté au Québec (17,8 p. 100, soit 2,9 p. 100 de plus qu'en décembre 1987), mais ce pourcentage comprend de nombreux professeurs affectés aux écoles fédérales. Néanmoins, le groupe minoritaire est beaucoup plus présent au Québec qu'en Ontario, où le taux de participation des francophones est infime (1,3 p 100). Manifestement, les taux de participation du Ministère sont largement déterminés par des facteurs comme l'emplacement géographique (la plupart de ses employés travaillent à l'extérieur de la région de la Capitale nationale) et sa clientèle, en grande majorité anglophone. Toutefois, la participation des francophones semble être passée sous le seuil jugé acceptable en vertu de la *Loi sur les langues officielles*. Des correctifs s'imposent donc. À cet égard, les dispositions que le Ministère a prises pour intensifier ses efforts de recrutement de francophones en Ontario et dans la région de l'Atlantique, et d'autochtones de langue française au Québec, vont dans le bon sens.

Nous avons reçu neuf plaintes contre le Ministère en 1988 (deux de plus que l'an dernier). L'une d'entre elles, concernant la langue de travail, a été réglée sans formalités. Les autres, portant sur le service au public, avaient trait à la publicité, aux publications, à la piètre qualité du français de certains documents et à l'unilinguisme de quelques ouvrages. Cinq de ces plaintes ont été réglées et selon nos informations, les quatre autres plaintes devaient être résolues à la fin de l'année.

Agence canadienne de développement international

Depuis notre dernière évaluation dans le Rapport annuel 1985, l'Agence canadienne de développement international a continué d'afficher, dans l'ensemble, un bon rendement en matière de langues officielles. Dotée d'une solide capacité bilingue, l'Agence est en mesure d'offrir sans problème un service dans les deux langues officielles, et la situation de la langue de travail reste satisfaisante malgré quelques anicroches. La faible participation des Canadiens d'expression anglaise continue cependant de s'aggraver, particulièrement au sein du personnel de soutien, et rien ne permet de prévoir une amélioration sensible dans l'avenir, surtout si l'on considère le pourcentage insuffisant d'anglophones nommés à des postes cette année.

L'Agence offre spontanément ses services dans les deux langues. L'affichage ainsi que l'accueil téléphonique sont complètement bilingues. L'Agence compte 988 postes bilingues sur 1 195 (soit 82,7 p. 100), dont la moitié exige une connaissance supérieure des deux langues. Près de 90 p. 100 des titulaires de ces postes satisfont aux exigences. Les publications de l'Agence sont bilingues ; par contre, les guides de renseignements à l'intention des coopérants qui partent à l'étranger ne le sont pas tous. L'Agence devrait se pencher sur cette question.

Le nombre élevé de surveillants qui satisfont aux exigences linguistiques de leur poste (282 sur 321) favorise l'utilisation des deux langues officielles au travail. Il faut cependant noter que 30 postes de surveillance n'exigent encore qu'une con-

naissance minimale de la langue seconde, ce qui est insuffisant pour encadrer adéquatement du personnel dans les deux langues. Une plainte déposée l'an dernier par une employée anglophone éprouvant des difficultés à travailler en anglais nous a permis de constater qu'il existe encore certains problèmes en matière de langue de travail à l'Agence, et que cette dernière doit continuer d'être vigilante à cet égard. Il est à signaler que chaque langue est solidement implantée dans certains secteurs, par exemple l'anglais est couramment utilisé dans les directions de l'Asie et de l'Afrique anglophone, tandis que le français l'est dans celle de l'Afrique francophone.

Au plan de la participation des deux groupes linguistiques, il faut noter un recul depuis 1985, le pourcentage d'employés anglophones étant passé de 46,5 p. 100 à 43 p. 100. Cette faible participation des Canadiens d'expression anglaise est particulièrement marquée dans la catégorie Soutien administratif où leur pourcentage, qui était de 35,5 p. 100 en 1985, n'est plus que de 29 p. 100. L'Agence a procédé à 190 nominations cette année et de ce nombre, seulement 49 employés (25,8 p. 100) étaient d'expression anglaise. Dans la catégorie Soutien administratif, le pourcentage n'était que de 13,7 p. 100 (13 sur 95). L'Agence doit prendre au plus tôt les mesures nécessaires pour corriger cette situation de plus en plus inacceptable. Même si on admet que, en raison de la nature de son mandat et de ses activités auprès d'organisations internationales et des pays du Commonwealth aussi bien que dans les pays de langue française, la proportion d'employés francophones puisse excéder les pourcentages nationaux, les proportions actuelles s'écartent trop de ce paramètre.

La haute direction continue d'accorder de l'importance à la question des langues officielles et elle est secondée dans sa tâche par une équipe de quatre employés affectés à la gestion de ce programme. Ces employés en assurent une promotion active et un contrôle efficace.

L'Agence n'a fait l'objet que d'une plainte cette année. Elle avait trait à l'envoi d'un document en anglais à une correspondante de langue française et cette erreur fut promptement corrigée.

Agriculture

En 1988, le ministère de l'Agriculture s'est montré particulièrement actif sur le plan de l'administration du programme des langues officielles. Toutefois, en dépit des perspectives encourageantes que ces efforts laissent entrevoir, le vrai progrès reste à faire en matière de réforme linguistique.

Bien entendu, dans les régions déclarées bilingues, le public est assuré de pouvoir traiter avec les bureaux du Ministère dans la langue officielle de son choix. Toutefois, hors de ces régions, même là où il y a une demande importante, y compris à Toronto et à Winnipeg, les mesures qui ont été prises ne sont pas

efficaces en raison du nombre insuffisant d'employés bilingues. Ainsi, si l'on fait abstraction de la région de la Capitale nationale (RCN), du Québec et du Nouveau-Brunswick, on ne trouve que 93 employés bilingues sur 6 299, soit 1,5 p. 100. Évidemment, ce nombre ne suffit pas à assurer des services en français à la clientèle francophone. Nous relevons par ailleurs une diminution d'employés bilingues qualifiés dans l'ensemble du Ministère, leur nombre étant passé de 2 178 en 1987 à 1 993 en 1988. Cette baisse est inquiétante puisque l'effectif global n'a diminué que de 129 personnes durant la même période.

Le service est spontanément offert en français et en anglais dans la RCN et au Nouveau-Brunswick. Ailleurs au pays, quelques bureaux seulement accueillent le public dans les deux langues officielles. Il faut espérer que le cours sur l'accueil du public en français et en anglais, offert aux employés depuis peu par le Ministère, et la distribution du nouveau symbole du Conseil du Trésor invitant le public à s'adresser au personnel dans la langue officielle de son choix, permettront d'augmenter le nombre d'endroits où les services bilingues sont clairement annoncés. En matière de communication écrite, le Ministère remplit assez bien ses obligations envers le public puisque l'affichage, les publications d'intérêt général, les ouvrages de vulgarisation scientifique et les annonces sont dans les deux langues officielles.

Le français prend peu à peu la place qui lui revient comme langue de travail à Agriculture Canada, malgré une faiblesse encore marquée en ce qui a trait à la compétence linguistique des surveillants. Les manuels et les politiques de même que les directives provenant de la gestion sont rédigés dans les deux langues officielles. Les employés ont également accès aux services centraux et du personnel dans la langue de leur choix. Cette année, le Ministère a porté une attention toute spéciale à la langue des communications entre l'administration centrale et la région du Québec en effectuant une étude sur le sujet. Le rapport, rédigé à la suite de cette étude, signale diverses lacunes, notamment l'unilinguisme anglais d'ébauches ou de documents urgents transmis au Québec et les difficultés qu'éprouvent certaines unités de travail de la RCN à assurer la communication en français avec les interlocuteurs francophones en région. Le Ministère a commencé à mettre en œuvre les mesures correctives proposées dans ce rapport, notamment celles qui portent principalement sur une meilleure utilisation des ressources bilingues à l'administration centrale et la mise en place de contrôles plus sévères relativement aux communications écrites destinées aux régions. La gestion exercera un suivi au cours de l'année 1989.

La surveillance des employés dans les deux langues officielles constitue un sujet de préoccupation au ministère de l'Agriculture. En effet, 818 des 1 062 postes de surveillance déclarés bilingues, soit 77 p. 100, sont comblés par des titulaires qualifiés. Il s'agit d'un recul de près de quatre points par rapport à l'année dernière. Dans les domaines de travail plus spécialisés comme la recherche, le Ministère aura également à déployer des efforts considérables, étant donné le

rôle que l'anglais s'y est acquis, s'il veut, comme il le doit, créer un milieu permettant aux scientifiques francophones d'effectuer leurs travaux dans leur langue.

La participation des deux groupes linguistiques n'a pas connu de fluctuations significatives depuis l'an dernier. Des 11 461 employés du Ministère, 21,5 p. 100 sont d'expression française. Cette proportion, bien qu'inférieure à celle de la population canadienne, s'explique par la décentralisation poussée de l'effectif : près de 60 p. 100 des employés travaillent à l'extérieur des régions bilingues. Cela dit, des écarts importants subsistent dans certaines catégories d'emploi et dans certaines régions. Ainsi, malgré une légère amélioration, le nombre d'employés francophones dans les catégories Gestion (14,5 p. 100) et Scientifiques et spécialistes (18,7 p. 100) est toujours insuffisant. Sur le plan régional, à peine 3,8 p. 100 des employés dans la région du Québec sont d'expression anglaise, une légère baisse par rapport à 1987. La faible participation des Canadiens de langue française persiste par ailleurs au Nouveau-Brunswick (17,9 p. 100) et au Manitoba (1,3 p. 100). Il sera difficile d'améliorer la situation en ce qui a trait à la participation au niveau régional, tant qu'il ne sera pas possible d'embaucher de nouveaux employés permanents en raison de la réduction de l'effectif.

Les langues officielles font désormais partie de la liste des programmes et des secteurs du Ministère qui sont soumis à la vérification interne. Outre l'étude sur les communications susmentionnée, Agriculture Canada a entamé une vérification de la gestion du programme des langues officielles. Cet examen sera suivi d'un rapport, prévu pour 1989, qui portera sur les différents aspects du programme, de l'énoncé de politique ministériel à sa mise en œuvre par les gestionnaires. La haute direction a sanctionné la tenue de neuf études portant sur l'application de la *Loi sur les langues officielles* de 1988. Ces études ont été entamées à l'automne 1988. Chacune d'entre elles traite de sujets précis — par exemple, la définition de la demande importante — et se rattache à l'un des trois grands aspects du programme des langues officielles, c'est-à-dire le service au public, la langue de travail et la participation. D'une durée maximale d'un an, les études sont parrainées par différents secteurs opérationnels avec l'appui de la Division des langues officielles. Les conclusions et les recommandations issues de ces études seront appliquées à l'échelle du Ministère. Il s'agit d'une initiative digne de mention qui illustre la volonté d'Agriculture Canada de redonner à la réforme linguistique l'élan dont elle a tant besoin.

Nous avons reçu 11 plaintes contre le ministère de l'Agriculture cette année, comparativement à 18 en 1987. En matière de langue de service, deux plaintes portaient sur l'incapacité du Centre de recherche forestière et du bureau de la Production et de l'Inspection des aliments de Sault Sainte-Marie d'assurer des services en français. Six autres plaintes ont fait état de l'omission de publier des annonces dans la presse de la minorité linguistique, de l'unilinguisme anglais de

l'affichage, et de certaines publications au Centre de recherche forestière d'Edmonton, ainsi que de la piètre qualité du texte français d'un communiqué bilingue provenant de l'administration centrale. Les trois plaintes relatives à la langue de travail avaient toutes trait aux communications écrites internes. Le Ministère a donné suite rapidement aux plaintes et aux demandes de renseignements. Un seul dossier a nécessité plusieurs mois d'attente avant qu'une réponse soit donnée.

Air Canada*

Depuis août 1988, Air Canada n'est plus une société d'État. La loi qui autorise sa privatisation la soumet néanmoins à la *Loi sur les langues officielles*.

La Société a plusieurs atouts en main pour lui permettre de remplir ses obligations linguistiques. Sur le plan du service au public, la capacité bilingue de son personnel s'accroît sans cesse et les efforts des administrateurs du programme en matière de sensibilisation et de contrôle se poursuivent activement. Il faut toutefois reconnaître que les mesures adoptées par Air Canada au fil des ans n'ont pas encore produit tous les résultats escomptés. La principale cause est qu'Air Canada n'utilise pas toujours son personnel bilingue de façon optimale ; elle devrait se pencher prioritairement sur ce problème. Au chapitre de la langue de travail, l'égalité de statut du français et de l'anglais est encore loin d'être assurée, mais des progrès ont été réalisés en ce sens. Il faut souhaiter que les initiatives de la Société dans ce secteur se multiplieront.

Nous tenons à féliciter la Société pour avoir augmenté de façon constante le nombre d'agents bilingues, tant pour les services au sol qu'en vol. Citons par exemple, l'aéroport de Toronto, où Air Canada compte plus de 30 p. 100 d'employés bilingues, ce qui représente une augmentation de 5 p. 100 en deux ans, et le Service en vol, où plus de 60 p. 100 des agents de bord sont bilingues (58 p. 100 en 1987). Par contre, des lacunes importantes persistent à plusieurs points de service au sol, à l'Ouest comme à l'Est du pays. Nous relevons notamment les cas des aéroports de Saskatoon, de Saint-Jean (N.-B.) et de Charlottetown, où le service en français n'est assuré que par un seul employé bilingue. La Société éprouve aussi des difficultés à se doter d'un nombre suffisant d'employés bilingues pour certaines de ses destinations à l'étranger, particulièrement dans les Antilles. Il est difficile de résoudre le problème du manque ou de l'absence de personnel bilingue en ce qui touche le service en personne. Par exemple, la procédure de recours à un collègue bilingue s'avère souvent peu pratique, tant au sol qu'à bord des avions. Par conséquent, nous encourageons la Société à poursuivre ses efforts d'embauche de personnel bilingue.

Les ressources bilingues dont elle dispose actuellement devraient cependant lui permettre d'obtenir un meilleur rendement que celui dont elle fait preuve en ce moment. La Société pourrait accroître la disponibilité de ses services dans les deux langues officielles, en répartissant judicieusement le personnel bilingue et

en indiquant précisément où ces services sont offerts. En ce qui a trait aux services au sol, comme à l'aéroport de Toronto, cela signifie qu'on devrait affecter les employés bilingues en fonction des différents points de service et quarts de travail, et à cette fin, en arriver à conclure toutes les ententes nécessaires avec les groupes syndicaux concernés. Il s'agirait également d'identifier plus clairement les guichets bilingues ; sur ce plan, nous croyons qu'Air Canada aurait intérêt à revoir ses systèmes actuels d'affichage dans les aéroports, particulièrement celui fondé sur l'utilisation de voyants lumineux, système dont beaucoup de passagers ignorent la fonction. Enfin, tous les employés bilingues devraient être tenus d'utiliser les deux langues lorsqu'ils accueillent les passagers, ce qui ne se fait généralement pas.

La nécessité d'une offre active de services bilingues vaut également pour l'accueil des voyageurs à la porte de l'avion ainsi que pour les différents services qui leur sont dispensés en cours de vol. Par ailleurs, les directives de la Société quant à la répartition des agents bilingues à bord des vols sont généralement respectées ; elles assurent un minimum de personnel bilingue sur tous les vols — ce qui permet entre autres de garantir le bilinguisme des annonces. Nous incitons cependant Air Canada à réexaminer les normes en vigueur afin d'augmenter le nombre d'agents bilingues sur les vols desservant les régions à forte concentration francophone. Par exemple, tout le personnel de bord devrait être bilingue sur les vols directs entre Québec et Toronto.

Enfin, on ne peut garantir le service dans la langue officielle choisie par le public que si l'on peut compter sur la collaboration des employés chargés de l'assurer. Les efforts d'Air Canada en matière de sensibilisation du personnel sont dignes de mention. Les administrateurs du programme ont tenu des séances d'information auprès de plusieurs groupes d'agents et de surveillants, et ils s'apprêtaient en fin d'année à mettre en œuvre une nouvelle série de mesures visant à mieux faire connaître aux employés leurs obligations linguistiques et à les convaincre de l'importance de servir le public dans les deux langues. Cette initiative contribuera sans aucun doute à améliorer au sein du personnel l'attitude d'ouverture à laquelle sont en droit de s'attendre tous les passagers désirant être servis dans leur langue. Toutefois, il doit être clairement établi auprès des employés qu'il s'agit de respecter un droit, et non seulement de se plier à une préférence.

Au chapitre de la langue de travail, les secteurs à caractère technique, où le français s'implante difficilement, ont bénéficié cette année d'une attention particulière de la part de la Société. D'abord, on procède depuis quelques mois à la mise à l'essai de cartes de travail en français au sein de la direction de la Maintenance à Dorval. Le comité chargé d'en évaluer les résultats doit, à la fin de cette année, formuler des recommandations à la haute direction. Par ailleurs, Air Canada a formé un groupe de travail chargé d'examiner et de proposer les moyens à prendre en vue d'accroître l'utilisation du français dans le secteur des

Opérations aériennes. Un des objectifs du comité est d'offrir aux pilotes francophones la possibilité de se familiariser davantage avec la terminologie française. Nous attendons avec beaucoup d'intérêt les résultats de cette initiative.

Des mesures importantes doivent encore être prises en matière de langue de surveillance, qui continue de faire problème. À la base de la Maintenance de Dorval, où 45 p. 100 des mécaniciens sont francophones, un tiers des contremaîtres n'ont pas les connaissances linguistiques nécessaires pour assurer une surveillance en français. D'autre part, les postes de pilote-surveillant ne comportent aucune exigence linguistique.

Les instruments de travail sont disponibles en français et en anglais, saut ceux de nature très spécialisée comme les manuels d'entretien des appareils. De plus, des efforts ont été déployés afin d'encourager l'utilisation des deux langues durant les réunions auxquelles assistent un grand nombre d'employés. À cet égard, de réels progrès ont été accomplis cette année par la Société dans le district d'Ottawa.

Les services financiers et administratifs relevant du siège social sont fournis sans difficulté dans la langue officielle de l'employé. Nous constatons toutefois des faiblesses pour les services qui relèvent de chaque direction, dont celle de la Maintenance, où plusieurs des commis ne peuvent transiger en français, et celle des Opérations aériennes, où certaines unités opérationnelles n'utilisent que l'anglais. De plus, nous examinions toujours en fin d'année la situation des services d'affectation des équipages, dont la centralisation semblait affecter la qualité des communications en français avec les agents de bord de la base de Montréal.

Les Canadiens d'expression française formaient l'an dernier 22 p. 100 de l'ensemble du personnel de la Société, 19,1 p. 100 des cadres et 14 p. 100 des pilotes. Si ces niveaux de participation se maintiennent cette année (aucune donnée pour 1988 n'était disponible au moment de la rédaction), la Société devra déployer des efforts plus vigoureux en vue d'accroître la proportion de cadres et de pilotes francophones.

Par ailleurs, Air Canada a poursuivi son programme de mise en place de contrôles plus serrés et de sensibilisation des gestionnaires responsables de la mise en œuvre des politiques linguistiques. Tout au cours de l'année, les représentants du siège social ont rencontré plusieurs cadres supérieurs au sein de l'organisation en vue de discuter de leurs responsabilités linguistiques. De plus, un important programme d'informatisation des données relatives aux langues officielles était en cours à la fin de l'année ; ainsi, il devrait y avoir en 1989, un plus grand nombre de suivis de la situation linguistique de la Société. Il reste maintenant à voir si les administrateurs du programme seront suffisamment nombreux pour accomplir toutes les tâches qu'imposent les exigences de la nouvelle loi, particulièrement en ce qui touche le traitement des plaintes.

Des 150 plaintes reçues cette année (contre 174 en 1987), 93 avaient trait aux services au sol d'Air Canada, c'est-à-dire principalement les services fournis aux aéroports et aux bureaux des ventes ou des réservations. Le service en vol a, pour sa part, fait l'objet de 40 plaintes. Treize incidents nous ont été rapportés relativement à la langue de l'affichage, de la correspondance et de documents publicitaires et quatre plaintes touchaient la langue de travail. Par ailleurs, nous avons reçu une quarantaine de lettres relativement à l'absence d'annonces d'Air Canada dans la presse minoritaire de langue française.

Approvisionnements et Services

Le ministère des Approvisionnements et Services (MAS), point central d'un ensemble de services pour les organismes fédéraux et les fonctionnaires, s'est montré plus vigilant, en 1988, face à l'application des mesures de contrôle de son programme des langues officielles. Néanmoins, la capacité bilingue de ses agents d'approvisionnement n'est pas encore suffisamment élevée pour assurer un service de qualité égale dans les deux langues. Au chapitre de la langue de travail, le français n'est toujours pas utilisé au même titre que l'anglais dans les communications entre les surveillants et le personnel.

Dans les bureaux où les demandes proviennent des deux groupes linguistiques, les premiers contacts se font dans la langue choisie par le public. Ainsi, l'accueil en personne et au téléphone est généralement bilingue. Au cours de l'année, le Ministère a effectué une étude sur l'accueil téléphonique aux numéros inscrits dans les annuaires et a corrigé les anomalies repérées.

Le Ministère a identifié 3 574 postes bilingues, soit 38,5 p. 100 du total. Les exigences linguistiques ont été satisfaites dans 3 073 cas (86 p. 100). Ces proportions cachent cependant certaines faiblesses. Ces données indiquent que 9,2 p. 100 des postes bilingues ne requièrent qu'un niveau élémentaire de bilinguisme, et 81,8 p. 100 un niveau intermédiaire. Seuls 5,3 p. 100 des postes nécessitent un niveau supérieur.

Notre étude sur le secteur Approvisionnements nous a permis de constater que la compétence linguistique de ses agents représentait le principal problème du Ministère. Pour être en mesure d'offrir ses services efficacement dans les deux langues officielles, le Ministère devrait augmenter le nombre d'agents possédant un niveau supérieur de bilinguisme. Dans ce contexte, le Ministère a commencé cette année à rencontrer les gestionnaires qui occupent des postes bilingues requérant le niveau élémentaire de compétence en langue seconde, dans le but de réviser la pertinence de l'identification et du profil du poste et de prévoir, le cas échéant, la formation linguistique appropriée. Le Ministère poursuivra ce contrôle pour les autres postes de niveau élémentaire au cours de 1989.

Toujours dans le domaine du service au public, les maisons d'affaires doivent indiquer leur langue d'élection lorsqu'elles demandent à être inscrites sur la liste

des fournisseurs du Ministère. D'après notre vérification de l'Approvisionnement, les choix de réponses contenus dans le formulaire, à savoir l'anglais, le français, ou l'une ou l'autre, ne permettaient pas de connaître la langue d'usage préférée par les fournisseurs. En effet, ces derniers cochent presque automatiquement la case « L'une ou l'autre », en fonction de leur propre compétence à traiter dans les deux langues officielles, alors que le Ministère a l'obligation de transiger dans la langue officielle de l'entrepreneur. Le Ministère a déjà indiqué que l'option « L'une ou l'autre » serait supprimée et la question reformulée.

En ce qui concerne le groupe des pensionnés, la langue de préférence de chacun est maintenant estampillée sur la couverture de son dossier personnel. À chaque intervention qui suit, le pensionné est assuré d'un service par un préposé parlant la langue de son choix. Cette procédure a permis de corriger une faiblesse depuis longtemps soulignée.

Malheureusement, le Ministère ne dispose pas d'études récentes sur le degré de satisfaction du public à l'égard de ses services bilingues. Il tirerait sûrement profit d'une mise à jour de ses données. Malgré cela, le Ministère tient des rencontres périodiques avec la Société des Acadiens et des Acadiennes du Nouveau-Brunswick (SAANB). Il pourrait étendre cette pratique aux associations de langue officielle minoritaire dans le reste du Canada.

Au cours de l'année, le Ministère a terminé une revue systématique des éléments reliés à la langue de travail, qu'il s'agisse des manuels, des réunions, de l'accueil interne bilingue ou des notes de service, et a exigé la rectification des anomalies décelées. C'est ainsi que pour assurer la prestation de services bilingues à ses employés, l'identification linguistique de tous les postes du secteur des finances, de l'administration et du personnel a été revue et modifiée en conséquence en 1988. De même, des comités de révision de la qualité des rapports de rendement ont servi à assurer le respect de la langue d'élection de l'employé à évaluer. Bien que les instruments de travail et les autres mécanismes en place (comme la formation) doivent permettre aux employés de travailler dans la langue de leur choix, l'anglais reste perçu comme la langue de travail du Ministère. De plus, les 288 (ou 18,8 p. 100) des 1 529 titulaires de postes bilingues de surveillance ne satisfaisant pas aux exigences linguistiques ne contribuent guère à changer cette situation persistante.

Dans le domaine de l'informatique, même si l'accessibilité aux applications est limitée, la plupart des grands systèmes du Ministère permettent de travailler dans une langue ou dans l'autre, ou dans les deux simultanément. Des logiciels bilingues sont disponibles la plupart du temps, et on peut produire des documents en français avec accents. Dans un cadre plus vaste, le Ministère étudie, de concert avec le Secrétariat du Conseil du Trésor, l'application de la disposition de la *Loi sur les langues officielles* qui prévoit que les systèmes informatiques d'usage généralisé, acquis ou produits à compter du 1er janvier 1991, puissent être utilisés dans l'une ou l'autre des langues officielles.

Les deux collectivités ne sont pas équitablement présentes au sein du Ministère, avec 5 485 fonctionnaires d'expression anglaise (59 p. 100) et 3 811 d'expression française (41 p. 100). Les 372 nominations d'employés francophones (36,3 p. 100 des 1 026 nominations effectuées pendant les neuf premiers mois de l'année), n'ont pas sensiblement modifié la répartition des groupes. Une proportion élevée de francophones continue d'être observée dans les catégories Technique (33,6 p. 100), Soutien administratif (43,5 p. 100) et surtout Exploitation (64 p. 100). La distribution est partiellement attribuable à la concentration des deux tiers des employés dans la région de la Capitale nationale, et à la vocation du Ministère, celui-ci œuvrant, entre autres, dans l'impression, l'édition, la publicité et les expositions, des activités comportant une bonne part de bilinguisme. Par contre, en Colombie-Britannique, en Saskatchewan, au Manitoba et en Nouvelle-Écosse, la présence des francophones est inférieure à leur poids démographique. Au Québec, il n'y a que 19 employés d'expression anglaise sur 726, soit à peine 2,6 p. 100.

Les douze objectifs du plan en matière de langues officielles sont intégrés à la planification stratégique du Ministère depuis le début de l'exercice financier 1988-1989, et les gestionnaires doivent voir à leur réalisation. À cet effet, la Direction des langues officielles fournit les données nécessaires pour permettre aux gestionnaires de concrétiser leurs objectifs linguistiques. Elle soumet également des rapports de progrès trimestriels à la haute direction. De plus, la vérification interne couvre le domaine des langues officielles grâce au contrôle efficace qu'accomplissent ses quatre vérificateurs.

Un ministère si vaste voit nécessairement ses risques d'erreur augmenter, dans le cours des opérations. Pourtant, le MAS n'a reçu que 29 plaintes, soit quatre de plus que l'année dernière. Elles portent principalement sur les communications téléphoniques, les publications et le service en personne. Les hésitations au sujet de l'acheminement intra-ministériel de notre correspondance persistent et le Ministère n'a pas arrêté sa décision de centraliser ou non le traitement des plaintes.

Archives nationales

Les Archives nationales n'éprouvent toujours aucun problème à servir le public dans la langue officielle de son choix et à administrer son programme des langues officielles. C'est dans les domaines de la langue de travail et de la participation des deux groupes linguistiques que des progrès restent à faire.

L'institution offre activement ses services au public dans les deux langues, aussi bien au téléphone qu'en personne. De même, ses publications sont disponibles dans les deux langues officielles. En fait, des 400 postes bilingues affectés au service au public, 338 (soit 84,5 p. 100) sont occupés par des titulaires répondant aux exigences linguistiques de leur poste. Parmi ceux-ci, 41 possèdent des connaissances supérieures dans leur langue seconde.

Les Archives nationales ont déployé des efforts pour donner au français la place qui lui revient comme langue de travail. Il leur reste cependant beaucoup à faire. En effet, si l'institution offre à ses employés francophones le choix de travailler dans leur langue, il n'en demeure pas moins que c'est en anglais qu'ils le font le plus souvent et ce, à tous les échelons. De plus, si ces employés peuvent dans leur langue, avoir accès aux ordinateurs et recevoir une partie de la formation et des manuels s'y rapportant, ils ont moins de chance avec certains documents de travail et services centraux. Par ailleurs, 80 p. 100 des 215 postes de surveillant bilingues sont occupés par des titulaires bilingues, mais seulement 25 titulaires de ces postes ont le niveau supérieur de connaissance de la langue seconde.

Les deux langues sont généralement utilisées aux réunions de la haute direction et à celles regroupant un grand nombre d'employés. Au besoin, l'institution fait appel à un service d'interprétation simultanée.

L'équilibre dans la participation globale des deux groupes linguistiques au sein des Archives publiques pourrait être amélioré. En effet, même en tenant compte du fait que l'institution opère principalement dans la région de la Capitale nationale, où il y a une assez forte concentration de Canadiens d'expression française, ces derniers sont trop nombreux (293 employés sur 768 ou 38,2 p. 100). La présence d'employés anglophones est très inadéquate dans les catégories Soutien administratif (53,4 p. 100) et Exploitation (52 p. 100). Par contre, les cadres d'expression française ne forment que 17,6 p. 100 du total dans la région de la Capitale nationale.

En ce qui concerne l'administration du programme des langues officielles, les objectifs sont intégrés aux plans opérationnels de la gestion et certains aspects de la politique font l'objet de contrôles annuels. Les gestionnaires supérieurs sont également évalués sur leur façon de gérer le programme.

Les Archives nationales n'ont fait l'objet d'aucune plainte en 1988.

Banque du Canada

La Banque a continué d'accorder une grande importance aux langues officielles en 1988. Plusieurs mesures concrètes devraient lui permettre de corriger des lacunes mises en évidence à la suite de notre vérification de 1987. Elles touchent particulièrement l'offre active des services, la formation professionnelle et la disponibilité des rapports techniques dans les deux langues. Toutefois, une question mérite encore une attention soutenue, le nombre insuffisant de surveillants bilingues dans quelques départements, ce qui y limite, dans une bonne mesure, l'emploi du français.

L'une des initiatives qui devraient permettre d'offrir un meilleur service au public consiste en la création d'un cours de formation à l'intention du personnel

chargé de l'accueil. Les employés des agences régionales pourront ainsi être plus à l'aise dans les deux langues officielles, et seront donc plus aptes à offrir activement des services en français aussi bien qu'en anglais. De façon générale, le service offert dans les deux langues est bon, tant à Ottawa que dans les neuf agences régionales. En outre, les agences de Regina et de Calgary ont accru leur capacité bilingue. La Banque a incité les deux directeurs unilingues des agences situées dans les régions à demande importante à suivre des cours de langue. La proportion d'employés bilingues augmente graduellement, et elle se chiffre maintenant à 46,7 p. 100 (1 085 sur 2 322), comparativement à 46 p. 100 en 1987.

D'autres mesures intéressantes ont aussi été mises de l'avant dans le cadre de la campagne de vente des obligations d'épargne du Canada de 1988. Ainsi, la Banque a utilisé un formulaire d'achat d'obligations d'épargne en présentation bilingue, ce qui a permis d'éviter les problèmes de distribution des années précédentes. Les affiches et les autres produits publicitaires pour la campagne ont été conçus de façon à ce que les deux langues soient facilement visibles. La Banque a aussi eu recours de manière efficace à la presse minoritaire pour rejoindre la clientèle des deux groupes linguistiques.

Les affiches ainsi que la plupart des publications de la Banque sont bilingues. La Banque a fait un premier pas pour accroître la disponibilité dans les deux langues de ses rapports techniques qui étaient, jusqu'à ce jour, presque tous publiés en anglais seulement. Elle entend dorénavant publier ses travaux de recherches majeurs et ses mémoires spéciaux dans les deux langues. Elle prévoit aussi qu'un plus grand nombre de ses travaux et de ses rapports seront rédigés en français en 1989.

Au chapitre de la formation professionnelle, la Banque a également marqué des points. Tous les cours sont offerts dans les deux langues et la proportion des cours donnés en français est passée de 18 p. 100 l'an dernier à 31 p. 100 cette année, ce qui correspond assez bien au pourcentage d'employés francophones parmi le personnel. Afin de favoriser l'inscription de ces derniers aux cours en français, la Banque a offert ceux-ci avant ou à peu près en même temps que les cours en anglais.

Le français continue de se tailler une place comme langue de travail dans les départements qui possèdent une bonne capacité bilingue et un taux élevé de surveillants bilingues. D'ailleurs, les chefs de département doivent maintenant inclure des objectifs touchant la langue de travail dans leur planification annuelle. En outre, le programme d'échanges qui permet à certains employés d'aller travailler dans leur langue seconde dans une agence régionale s'est poursuivi avec succès cette année avec 11 participants. Le pourcentage global de surveillants bilingues est passé de 54 p. 100 à 58 p. 100. L'unilinguisme chez plus de 40 p. 100 des surveillants demeure malgré tout un obstacle majeur à une

plus grande utilisation du français, notamment aux Opérations bancaires, à l'Automatisation, à la Gestion des immeubles et à la Vérification.

Malgré certains progrès, les départements du Contrôle, de l'Automatisation et de la Gestion des immeubles éprouvent encore des difficultés à offrir aux employés tous leurs services dans les deux langues. La Banque compte en grande partie, et à juste titre, sur son programme de formation linguistique pour surmonter ces lacunes. Nous continuons de croire qu'elle devrait aussi exiger le bilinguisme, au moment même de la dotation, pour un plus grand nombre de postes. En 1988, elle l'a fait pour un peu plus de 20 p. 100 des nominations. Signalons l'heureuse initiative de la Banque de fournir, à toutes les sections qui offrent un service au personnel, une liste indiquant la préférence linguistique des employés.

La participation globale des deux groupes linguistiques s'est maintenue au cours de l'année. Les employés d'expression anglaise comptent pour 65 p. 100 des 2 322 employés et ceux d'expression française pour 35 p. 100. Le nombre trop élevé de membres de ce dernier groupe dans la catégorie Opérations et Administration (654 sur 1 664 ou 39,3 p. 100) gonfle les chiffres globaux, car il excède la présence des francophones dans la région de la Capitale nationale où est recrutée la grande majorité des employés de ces deux catégories. Dans les autres catégories, le pourcentage d'employés d'expression française varie de 23 à 26 p. 100. Grâce à ses efforts constants, la Banque a atteint un équilibre dans la catégorie Gestion avec une proportion de 26 p. 100 de cadres francophones, comparativement à 22 p. 100 l'an dernier.

Le programme des langues officielles continue de bénéficier de l'appui de la haute gestion. Toutefois, la Banque n'a pas jugé nécessaire de mettre en place les mécanismes de contrôle et de vérification que nous avions recommandés l'an dernier. Elle préfère continuer d'assurer le respect de sa politique en matière de langues officielles par le biais des vérifications ponctuelles de son conseiller en bilinguisme.

Nous avons reçu une plainte contre la Banque en 1988, comparativement à trois en 1987. Elle concernait l'accueil téléphonique en français seulement à l'agence de Montréal. La situation fut rapidement corrigée.

Banque fédérale de développement

La Banque fédérale de développement (BFD) continue d'obtenir des résultats acceptables dans l'application de la *Loi sur les langues officielles*. Toutefois, elle ne dispose pas suffisamment de personnel bilingue pour servir la minorité de langue française, et dans certaines régions du pays, il n'y a aucun employé francophone.

L'accueil téléphonique et la capacité de service sont en général adéquats dans ses 24 succursales où la demande de la part de la minorité linguistique est

importante. Cependant, parmi ces 24, sept n'emploient pas de personnel bilingue. C'est le cas à trois des quatre succursales de Toronto. La Banque se montre quelquefois timide lorsqu'il s'agit d'offrir un service bilingue, et elle ne pose pas encore, près de ses entrées, des affiches indiquant sa capacité de servir ses clients dans la langue de leur choix.

La Banque devrait se fixer un seuil de bilinguisme convenable dans ses succursales des provinces unilingues. Actuellement, seules les succursales où la demande pour des services en français est importante disposent de postes bilingues, soit 115 des 288 postes (39,9 p. 100) destinés au service du public. De plus, seulement 68 des 115 titulaires, soit 59,1 p. 100, satisfont aux exigences des postes ainsi désignés. À la suite de notre suggestion faite en 1986, la Banque a désigné des postes bilingues à l'administration centrale à Montréal et dans les provinces du Nouveau-Brunswick, du Québec, de l'Ontario et du Manitoba. Jusqu'alors, la Banque se fiait aux membres bilingues de son personnel pour assurer le service en français, sans tenir compte du poste qu'ils occupaient au sein de l'unité de travail.

Le programme de Consultation au service de l'entreprise — CASE — constitue une opération importante de la Banque et est également assujetti aux obligations linguistiques envers la clientèle d'affaires. Pourtant, seulement cinq des 14 bureaux CASE rattachés à des succursales où la demande est importante, sont dotés d'un coordonnateur bilingue pour diriger ces opérations.

La Banque veille à ce que l'on respecte le choix linguistique des clients de langue minoritaire et vérifie la qualité linguistique des interventions de ses agents auprès d'eux. De plus, elle intègre les résultats obtenus à son évaluation des succursales bilingues. Elle tient également des rencontres périodiques avec les associations francophones du Manitoba et des Maritimes. Toutefois, elle aurait avantage à étendre cette pratique aux groupes de langue minoritaire de l'Ontario et du Québec, et enfin dans toutes les provinces.

Au chapitre de la langue de travail, le pourcentage de surveillants bilingues est passé de 60,8 p. 100 en 1987 à 63 p. 100 en 1988. Parmi les 21 bureaux et succursales bilingues, quatre ont nommé des surveillants bilingues depuis 1987, 11 ont maintenu leur capacité, et deux ont subi des réductions sans conséquence sur le respect de la langue des employés. Les quatre derniers ne disposent pas de surveillants bilingues, ni de membres de langue minoritaire à encadrer.

Le bilinguisme est la règle suivie dans les communications entre l'administration centrale de la BFD et ses bureaux et succursales. Les employés à l'administration centrale et aux succursales bilingues peuvent présenter les rapports et les autres documents en français ou en anglais, sans traduction, aux différents comités du siège social et aux cadres supérieurs. Le bilinguisme est pratique courante au Comité supérieur de gestion, et les réunions destinées à tout le

personnel de l'administration centrale se tiennent invariablement dans les deux langues. La Banque a réalisé des progrès dans le domaine de l'informatique et plusieurs de ses systèmes sont bilingues tant du point de vue de l'utilisation que de la conception de leurs produits.

Parmi les 1 234 employés, 70,8 p. 100 (874) sont d'expression anglaise et 29,2 p. 100 (360) sont d'expression française, en dépit de la présence de 39 p. 100 de l'effectif au Québec. Une forte proportion des employés sont anglophones à l'administration centrale à Montréal (160 sur 261, ou 61,3 p. 100) et dans les trois succursales de cette ville (9 sur 49, ou 18,4 p. 100). Par contre, on remarque l'absence de personnel francophone dans les provinces de Terre-Neuve, de la Nouvelle-Écosse, de l'Île-du-Prince-Édouard, de l'Alberta et de la Colombie-Britannique, au Yukon et dans les Territoires du Nord-Ouest. La Banque devrait viser une participation des Canadiens d'expression française dans ces régions.

La Société a une politique cohérente des langues officielles. Elle en a fait la diffusion à deux reprises, en 1987 et 1988, mais elle devrait en faire la révision à la lumière de la *Loi sur les langues officielles* de 1988. Dans son rapport annuel en matière de langues officielles, la Société indique les objectifs qu'elle a atteints et compile des données non seulement sur son personnel, mais aussi sur certains aspects d'ordre linguistique relatifs aux communications avec le public. Elle a intégré ses objectifs linguistiques à ses plans opérationnels et a entamé la vérification du programme linguistique durant l'inspection interne de l'administration centrale, des bureaux et des succursales où la demande est importante.

Ce régime de contrôles n'élimine pas les plaintes. En 1988, nous en avons reçu 26 au sujet de ses opérations, en particulier à l'Île-du-Prince-Édouard et en Ontario. Elles concernaient le service au public, le plus souvent au chapitre des communications et de la publicité. À une célébration à l'intention de gens d'affaires à Richibouctou (Nouveau-Brunswick), où la population est à 71 p. 100 d'expression française, les dirigeants régionaux de la Banque y ont prononcé leur allocution en anglais. L'intervention de la Banque dans le règlement des plaintes est rapide et efficace.

Bibliothèque nationale

Le rendement de la Bibliothèque nationale est excellent en matière de service au public et de l'administration du programme des langues officielles. Des lacunes ont par contre été relevées en ce qui a trait à la langue de travail et à la participation des deux groupes linguistiques.

La Bibliothèque nationale n'éprouve aucun problème à servir sa clientèle dans les deux langues officielles puisque 204 de ses 231 postes bilingues sont affectés au service au public et que les titulaires de ces postes satisfont aux exigences

linguistiques. L'institution aurait toutefois avantage à vérifier de nouveau si le public est satisfait du service offert.

Malgré un taux élevé de participation de Canadiens d'expression française, l'anglais demeure essentiellement la langue de travail à presque tous les échelons, bien qu'il y ait une certaine variation d'une unité à l'autre. Quatre-vingt-quatre pour cent des postes de surveillants bilingues ne requièrent que le niveau intermédiaire de connaissance de la langue seconde, il n'est donc guère surprenant qu'un grand nombre d'employés francophones travaillent en anglais. Soulignons également que le niveau de compétence de la langue seconde exigé de ses employés francophones est plus élevé que celui requis pour les employés anglophones. En outre, le fait que les instruments de travail et certains services centraux ne soient pas tous bilingues entrave également l'usage du français au travail. Par ailleurs, si les réunions se déroulent dans les deux langues dans certaines directions, elles se tiennent en anglais au Comité de gestion.

La participation globale des deux groupes linguistiques au sein de la Bibliothèque nationale (37 p. 100 de francophones et 63 p. 100 d'anglophones) révèle un déséquilibre, même en tenant compte qu'une partie importante de l'effectif est uniquement recrutée dans la région de la Capitale nationale où il y a une forte concentration de Canadiens d'expression française. C'est surtout dans la catégorie Soutien administratif que la participation des employés anglophones laisse à désirer (120 sur 233, soit 51,5 p. 100).

Les objectifs en matière de langues officielles sont intégrés aux plans opérationnels de la gestion. De plus, chaque année, un aspect particulier de la politique sur les langues officielles fait l'objet d'un contrôle intensif et les cadres supérieurs sont évalués à cet égard. La haute gestion s'assure de la bonne administration de son programme par le biais de la vérification interne et d'un rapport d'étape annuel.

En 1988, nous n'avons reçu qu'une seule plainte qui touchait la langue de travail. La Bibliothèque nationale a rapidement réglé le problème.

Centre de recherches pour le développement international

Le Centre de recherches pour le développement international (CRDI) a pris des mesures fermes pour mettre en œuvre les recommandations de notre vérification de 1987. Il semble déterminé à surmonter ses difficultés en matière de langues officielles, y compris le problème persistant du grand nombre de surveillants unilingues.

Le CRDI a amélioré la gestion de son programme des langues officielles en structurant son réseau des langues officielles, qui est dirigé par un coordonnateur dynamique. Le réseau dispose, dans chaque division ou dans chaque secteur,

d'un représentant chargé de fournir des statistiques, de conseiller les employés et les cadres sur les questions linguistiques et d'aider le coordonnateur à préparer des plans d'action. Ces plans comprennent des objectifs qui sont intégrés aux plans opérationnels et les cadres sont désormais tenus responsables de l'atteinte de ces objectifs. En outre, le CRDI a publié un guide détaillé sur la mise en œuvre de sa politique des langues officielles et l'a distribué à tous ses employés. On a entrepris la révision des exigences linguistiques de tous les postes, et on a largement recours à la formation linguistique pour aider les employés unilingues à satisfaire aux exigences linguistiques de leur poste.

Le CRDI compte une proportion élevée de postes bilingues (325 sur 364, soit 89,3 p. 100), mais 70 p. 100 seulement des titulaires de ces postes répondent aux exigences linguistiques. Néanmoins, le Centre est généralement capable de fournir un service bilingue à sa clientèle canadienne, composée d'institutions fédérales, d'associations scientifiques et du grand public. L'affichage et l'accueil téléphonique sont bilingues, tout comme les dépliants, les brochures et les films. La correspondance est rédigée dans la langue du destinataire et la bibliothèque offre au public un service en français et en anglais. Par ailleurs, la plupart des publications scientifiques et techniques, presque toutes rédigées par des chercheurs du Tiers-monde et généralement destinées à des lecteurs de l'étranger, sont publiées en anglais avant d'être traduites en français, souvent avec un long retard. En 1987, nous avions dit espérer qu'une politique sur les publications scientifiques et techniques, à laquelle le CRDI travaillait depuis 1985, permettrait de résoudre le problème. Au moment de mettre sous presse, cette politique était encore à l'état d'ébauche.

En ce qui concerne le français langue de travail, le CRDI souffre encore d'une pénurie de surveillants bilingues. En effet, 59,6 p. 100 seulement des surveillants (65 sur 109) ont une bonne connaissance des deux langues. En outre, 46,8 p. 100 (22 sur 47) des employés de la catégorie Scientifiques ne répondent pas aux exigences linguistiques de leur poste. Il ne faut donc pas s'étonner que certains employés francophones rédigent en anglais. Le CRDI a tenu compte des recommandations de notre vérification en prenant des mesures pour favoriser un plus grand usage du français au travail. Les ordres du jour et les comptes rendus des réunions de la haute direction sont désormais produits dans les deux langues et les participants sont encouragés à s'exprimer en français ou en anglais. Tous les employés ont été informés de leurs droits et de leurs obligations linguistiques, et les surveillants unilingues ont la priorité pour la formation linguistique. D'ici la fin de l'année, les divisions ou les secteurs auront tous effectué un inventaire de leurs instruments de travail pour déterminer lesquels doivent être traduits. Par ailleurs, les services centraux et du personnel sont maintenant offerts activement aux employés dans les deux langues, comme les cours de formation professionnelle. Toutefois, nous avons noté une différence intéressante : les cours en français sont offerts avant ceux en anglais, de manière à encourager les employés francophones à les suivre dans leur propre langue. Cette méthode devrait être

utilisée plus fréquemment, à condition bien sûr de ne pas désavantager les anglophones.

La participation globale des anglophones, déjà faible l'an dernier, avec 68 p. 100 de l'effectif, a baissé jusqu'à 66,5 p. 100. Il y a trop de francophones (42 p. 100) dans la catégorie Soutien administratif, mais pas assez dans la catégorie Scientifiques où ils ne forment toujours que 20 p. 100 de l'effectif. Ces déséquilibres n'ont pas été négligés dans les plans d'action du CRDI, et celui-ci espère bien que la situation s'améliorera.

Nous n'avons reçu aucune plainte contre le CRDI en 1988.

Centre national des Arts

Nous ne pouvons que nous réjouir de constater qu'en remplissant son nouveau mandat national, le Centre national des Arts (CNA) entend établir des liens plus étroits avec les minorités de langue officielle dans l'ensemble du pays.

C'est en matière de service au public que la situation linguistique du Centre est la plus satisfaisante. Toutefois, nous avons encore noté, en 1988, quelques failles importantes qui ont trait à la langue de travail, notamment l'unilinguisme d'un pourcentage élevé de surveillants. De plus, il reste des améliorations à apporter en ce qui touche la pleine participation des Canadiens d'expression française et d'expression anglaise, et surtout l'administration du programme des langues officielles qui présente plusieurs lacunes malgré la volonté du Centre d'améliorer la situation.

En général, le Centre réussit à offrir ses services spontanément en français et en anglais. À cet égard, la capacité linguistique de son personnel en contact avec le public a déjà été testée. Toutefois, le Centre doit également évaluer celle des autres employés occupant des postes bilingues. En ce faisant, le CNA mettrait complètement en œuvre la recommandation que nous lui avions formulée à la suite de notre vérification linguistique de 1983. Le Centre devrait par ailleurs exercer des contrôles réguliers sur les divers aspects de son service. Par exemple, il aurait pu profiter du sondage mené auprès de sa clientèle en 1988 pour vérifier si cette dernière était bel et bien satisfaite de sa performance linguistique. D'autre part, l'insuffisance, dans le programme-maison *Prélude*, d'annonces en français provenant du secteur privé est toujours à l'étude, mais le CNA compte corriger cette situation de façon prioritaire.

En matière de langue de travail, nous sommes heureux de constater que les services financiers, administratifs et du personnel sont fournis en français et en anglais. De plus, les deux langues sont généralement utilisées aux réunions. Le Centre a aussi donné suite à notre recommandation de 1983 en obtenant, au cours de ses négociations avec l'Alliance des employés de la scène et de la

télévision, une clause garantissant implicitement au personnel de chaque production, la possibilité d'obtenir des services bilingues de la part des employés de l'arrière-scène.

Nous avons par ailleurs relevé des problèmes qui ne favorisent pas l'utilisation des deux langues officielles au travail et qui peuvent expliquer, en partie, pourquoi plusieurs employés francophones demandent de recevoir leur formulaire d'évaluation en anglais et ont tendance à s'inscrire à des cours de perfectionnement offerts dans cette langue. Ainsi, un tiers des surveillants occupant des postes bilingues sont toujours unilingues. La formation linguistique qui leur a été offerte ne semble pas avoir eu l'impact positif attendu. La Direction devrait sans tarder se pencher sur cette situation que nous déplorons depuis des années. De plus, l'inventaire des documents de travail unilingues et la traduction de ceux-ci, que nous recommandions déjà en 1983, se font toujours attendre. Dans le domaine de l'informatique, l'acquisition d'un programme français représente certainement une initiative louable mais stérile à ce stade-ci, du fait que le Centre ne l'a pas encore intégré à ses opérations. Les employés francophones se voient donc obligés d'utiliser le programme anglais.

Même si le CNA est situé dans la région de la Capitale nationale, où il y a une concentration relativement forte de Canadiens d'expression française, la participation globale des employés francophones est trop élevée (48 p. 100). À 48,6 p. 100, elle l'est également à la Direction de l'exploitation (298 employés sur 613), notamment à la Sécurité (19 employés sur 21) et à la Billetterie (25 employés sur 26).

Deux personnes sont chargées de l'administration du programme des langues officielles. Elles n'y consacrent cependant que peu de temps, ce que nous déplorons compte tenu du nombre et de l'importance des tâches qui restent à accomplir. Aucune mesure de contrôle n'a été établie quant aux activités liées aux langues officielles. Selon le Centre, les gestionnaires connaissent leurs responsabilités en matière de langues officielles. Toutefois, on ne leur a pas fixé d'objectifs intégrés aux plans opérationnels, ni a-t-on prévu qu'ils seraient responsables de les atteindre et évalués en conséquence. Le nouveau formulaire d'évaluation préparé à leur intention pour 1989 pourrait très bien servir à cette fin.

Le CNA a fait l'objet de sept plaintes portant sur la langue de service en 1988 comparativement à quatre en 1987. Le Centre a fait preuve de collaboration dans le traitement de ces dossiers.

Chambre des communes

En matière de langues officielles, le rendement de l'Administration de la Chambre des communes a été bon cette année, sans toutefois être exceptionnel. Elle a continué d'offrir un service bilingue de qualité aux députés — et au

public, à quelques rares exceptions près — et elle a pris des mesures pour surmonter ses difficultés en matière de langue de travail. Cependant, le problème maintes fois souligné de la faible participation des anglophones reste somme toute entier.

L'Administration compte 1 673 employés, dont 1 242 (74,2 p. 100) occupent des postes exigeant une connaissance des deux langues officielles ; 1 018 (82 p. 100) titulaires de ces postes répondent aux exigences linguistiques. La Chambre des communes est donc en mesure de bien servir les députés dans leur langue d'élection. Les visiteurs sont aussi relativement bien servis, mais la Direction générale des services de sécurité doit répartir ses gardes de façon optimale pour assurer un service bilingue de qualité, compte tenu du fait que 17 p. 100 d'entre eux n'ont pas atteint le niveau intermédiaire de connaissance de la langue seconde exigé pour leur poste. L'Administration a pris des mesures pour pallier cette situation. Le fait qu'elle n'offrait pas activement des services en français aux visiteurs lui a valu des plaintes ; par conséquent, elle n'affecte à l'entrée principale du Parlement que des gardes satisfaisant aux normes les plus élevées de bilinguisme, et elle leur demande d'offrir aux visiteurs un service dans les deux langues officielles.

Le milieu de travail de la Chambre semble raisonnablement favorable à un usage équitable des deux langues officielles, du moins en théorie. Les instruments de travail, les services centraux et du personnel sont disponibles dans les deux langues, et 85 p. 100 des surveillants possèdent au minimum le niveau intermédiaire de connaissance de la langue seconde. En effet, plus de 50 p. 100 d'entre eux ont obtenu le niveau supérieur. En outre, l'Administration s'est servie à profit de la formation linguistique pour encourager certains surveillants unilingues de la Direction générale des services de sécurité à atteindre le niveau de connaissance de la langue seconde exigé pour leur poste. L'usage du français au travail y est désormais plus courant. Néanmoins, plus du quart des 56 surveillants de l'Administration qui ne satisfont pas aux exigences linguistiques de leur poste se trouvent dans cette direction.

Le français écrit n'est pas aussi largement utilisé qu'il devrait l'être à la Chambre des communes ; 95 p. 100 des textes — les débats du Parlement et des comités mis à part — sont traduits de l'anglais au français ; c'est une proportion surprenante pour une institution qui compte autant d'employés francophones. Certaines des suggestions et des recommandations formulées dans les chapitres sur la langue de travail du présent rapport annuel et de ceux des années précédentes pourraient, selon nous, aider la haute direction de l'Administration dans ses efforts afin d'encourager plus de francophones à travailler dans leur langue.

La proportion des anglophones a légèrement baissé en 1988, jusqu'à 34,7 p. 100 (580 employés sur 1 673), comparativement à 36,5 p. 100 l'an dernier. C'est très

peu. Les anglophones continuent d'être un peu plus présents dans la catégorie Gestion (57 p. 100), Scientifiques et spécialistes (54 p. 100) et Technique (62 p. 100), mais les francophones dominent dans les catégories Exploitation (66 p. 100), Soutien administratif (70 p. 100) et Administration et service extérieur (66 p. 100). Et il y a plus, seulement 40 p. 100 des employés recrutés cette année étaient des anglophones. C'est malgré tout une amélioration par rapport aux 35 p. 100 de 1987. L'Administration devra travailler sans relâche pour que son effectif reflète un jour plus équitablement la présence des collectivités des deux langues officielles du Canada.

Afin d'améliorer la gestion de son programme des langues officielles, l'Administration se prépare à adopter un système de lettres d'entente internes grâce auquel les cadres supérieurs et les chefs de section seraient imputables de la réalisation des objectifs du programme. Ce système a déjà été mis en œuvre avec succès à la Direction générale des publications parlementaires.

Nous avons reçu neuf plaintes contre la Chambre des communes en 1988, c'est-à-dire trois de moins qu'en 1987. Deux d'entre elles portaient sur l'accueil téléphonique en français seulement à un numéro de téléphone pour renseignements, une troisième sur un service d'interprétation partiellement inexistant pendant une réunion d'un comité, et quatre sur le fait qu'on n'offrait pas activement un service en français aux visiteurs à l'entrée principale de l'Édifice du Centre. Les deux autres plaintes, qui n'étaient toujours pas réglées à la fin de l'année, portaient sur la formation linguistique et sur la langue dans laquelle les débats de la Chambre étaient diffusés. L'Administration nous a offert une excellente collaboration pour l'instruction et le règlement de ces plaintes.

Chemins de fer nationaux

En 1988, les Chemins de fer nationaux ont continué à réduire leur effectif qui compte maintenant 39 826 employés, et se sont départis de leurs hôtels au Canada qu'ils ont vendus à une filiale de la société Canadien Pacifique Limitée. Sur le plan linguistique, le CN a continué de mettre en œuvre les objectifs de son programme des langues officielles, mais il n'a aucunement corrigé les déficiences en matière de langue de travail que nous lui signalons depuis plusieurs années. En effet, sa politique des langues officielles ne permet pas aux employés de travailler en français dans tous ses établissements du Nouveau-Brunswick. Le français n'y a le droit de cité que pour les échanges qui touchent l'employé sur le plan personnel.

Le CN a maintenu une bonne performance dans ses communications écrites et orales avec le grand public ainsi qu'avec ses clients, des entreprises pour la plupart. L'an passé, la Société a instauré, au Centre des services aux clients de Moncton, une ligne téléphonique sans frais afin d'offrir des services en français à tous les secteurs de la région de l'Atlantique. L'organisme a, de nouveau cette

année, effectué un sondage afin de connaître l'opinion de ses quelque 23 000 clients sur la qualité de ses services. Seulement 89 clients ont indiqué qu'ils ne recevaient pas leurs services dans la langue officielle de leur choix ; des agents les ont visités et ont apporté les correctifs requis.

À la Tour du CN à Toronto, le niveau de bilinguisme a légèrement diminué. Le CN avait toutefois engagé 116 stagiaires pour l'été dont 53 (45,7 p. 100) étaient bilingues alors que ses concessionnaires et locataires en avaient embauché 49 dont 18 (36,7 p. 100) parlaient les deux langues. L'offre active à la Tour du CN se limitait à afficher des avis annonçant que le service était disponible dans les deux langues officielles. Le CN vient de nous informer toutefois que ses préposés bilingues en contact avec les visiteurs portent maintenant des macarons indiquant qu'ils parlent le français et l'anglais.

Le CN, comme par le passé, a assuré le bilinguisme des instruments de travail, des programmes internes de formation et des services centraux et du personnel. Toutefois, le français n'occupe toujours pas au siège social, situé à Montréal, une place comparable à l'anglais à titre de langue de travail.

En outre, la Société n'a pas encore modifié sa politique et ses pratiques qui nient au personnel francophone de ses établissements du Nouveau-Brunswick le droit de travailler en français. En effet, le français n'y est autorisé que pour les transactions d'ordre personnel (concours, promotions, rémunération et avantages sociaux). L'entrée en vigueur de la nouvelle *Loi sur les langues officielles* doit amener le CN à corriger ces situations inacceptables.

Le CN ne dispose toujours pas de données sur la répartition globale des deux groupes linguistiques au sein de son entreprise. Au siège social, si la participation des employés francophones a augmenté de 3,9 p. 100 pour se situer à 34,5 p. 100, elle demeure encore faible étant donné que le siège social est situé à Montréal. De plus, le nombre d'employés d'expression française parmi les postes les plus élevés du siège social continue à diminuer puisqu'on n'en compte plus que 22 (19,5 p. 100) sur ses 113 cadres.

Dans la région de l'Atlantique, la participation des employés francophones a légèrement augmenté pour s'établir à 32,3 p. 100, tandis que la participation des employés d'expression anglaise dans la région du Saint-Laurent a diminué de 0,8 p. 100 pour atteindre 17,2 p. 100.

En 1988, 19 plaintes ont été portées contre le CN, comparativement à 24 l'an dernier, dont sept mettaient en cause l'affichage, cinq le service au public, cinq les instruments de travail, une la formation interne et une l'absence d'annonces dans les journaux minoritaires. Dans l'ensemble, nous obtenons de la Société, en dépit d'une certaine lenteur administrative, un niveau de collaboration acceptable dans le traitement des plaintes.

Commission de contrôle de l'énergie atomique

Bien peu de choses ont changé à la Commission de contrôle de l'énergie atomique depuis 1985, année du suivi de notre vérification. Elle continue de servir adéquatement sa clientèle dans les deux langues officielles, mais elle n'a enregistré aucun progrès dans le recrutement de Canadiens d'expression française ni dans la promotion de l'usage du français au travail dans le domaine scientifique et technique.

La Commission n'éprouve aucune difficulté à servir son public dans la langue officielle appropriée. Ses services sont offerts activement en français et en anglais, tant dans les communications écrites qu'orales. Elle compte 95 employés bilingues sur 256 (37,1 p. 100) pour assurer ce service. Toutefois, elle se doit de réduire, dans la mesure du possible, le pourcentage d'employés (20,8 p. 100) ne satisfaisant pas aux exigences linguistiques de leur poste.

Au chapitre de la langue de travail, aucun progrès ne semble avoir été accompli dans la région de la Capitale nationale pour assurer une utilisation plus équitable du français au travail dans le domaine scientifique et technique, puisque ce domaine continue d'être, dans plusieurs organismes, réservé à la langue anglaise. Les employés francophones dans les secteurs orientés vers les services au public et du personnel ont cependant plus d'occasions d'utiliser leur langue première.

En ce qui concerne la participation des deux groupes linguistiques au cours des trois dernières années, la situation est restée sensiblement la même malgré les travaux d'un Comité consultatif sur la participation équitable, mis sur pied en 1987. Dans l'ensemble, la Commission ne compte que 53 employés francophones sur 256 (20,7 p. 100) et la participation des Canadiens d'expression française demeure particulièrement faible dans la catégorie Scientifiques et spécialistes (16 p. 100) et au sein du Comité de gestion (2 sur 20).

Cette absence de progrès en matière de participation équitable est due à un faible roulement de l'effectif en raison d'une réduction des postes à combler et à une gestion du programme des langues officielles dénuée d'objectifs concrets. En effet, la Commission s'est contentée de dresser un plan qui contient des énoncés de principes plutôt que de prendre des mesures précises. Le Comité consultatif a indiqué aux membres de la Commission que ce plan semblait favoriser le statu quo. Il serait d'ailleurs avantageux que les membres reformulent les objectifs de façon plus définie et qu'ils élaborent un plan d'action efficace.

Nous n'avons reçu aucune plainte contre la Commission en 1988.

Commission de la Capitale nationale*

En 1988, le service bilingue au public a été une fois de plus le point fort du programme des langues officielles de la Commission de la Capitale nationale (CCN). Toutefois, la situation linguistique de la Commission dans d'autres

domaines n'est pas encore tout à fait satisfaisante. Un suivi récent sur les recommandations de notre vérification de 1986 a révélé qu'elles ne reçoivent peut-être pas toute l'attention voulue. Des mesures ont bel et bien été prises pour plusieurs des six recommandations encore pertinentes, mais nous estimons qu'une seule d'entre elles a été entièrement mise en œuvre. (Une description du rôle que doit jouer la Commission dans la promotion du caractère bilingue de la région de la Capitale nationale se trouve à la Partie I).

Près de 60 p. 100 (421) des 703 employés de la Commission occupent des postes exigeant une connaissance des deux langues officielles, et 335 d'entre eux satisfont aux exigences. Par conséquent, exception faite de bévues toujours possibles, la Commission est en mesure de communiquer aisément avec ses visiteurs et de répondre au téléphone en français ou en anglais, ainsi que de correspondre avec sa clientèle dans la langue du destinataire. Par contre, toujours au sujet du service au public, l'une de nos recommandations de 1986 portait sur l'établissement d'une politique linguistique applicable aux locataires et aux concessionnaires de la Commission. Cette politique n'a pas encore vu le jour, mais la Commission s'assure que les nouveaux baux contiennent tous des clauses sur le service, les menus et la signalisation dans les deux langues officielles. Cela dit, il n'y a aucun mécanisme de contrôle systématique en place à cet égard, bien que nous l'ayons suggéré.

Les gestionnaires de la Commission sont désormais plus conscients des aspects linguistiques de la surveillance, et leur apport au programme est maintenant l'un des facteurs de leur évaluation annuelle de rendement. Les employés francophones ont été invités par le Directeur général à rédiger dans leur langue. Pourtant, le français n'est pas utilisé aussi souvent qu'il le devrait si l'on considère la présence d'une forte proportion de francophones et d'anglophones bilingues. Le Comité de gestion a approuvé un plan exigeant l'identification des unités où le français pourrait être utilisé davantage, la tenue d'un sondage sur la langue de travail, la traduction des instruments de travail unilingues qui restent et la mise en place de mécanismes de contrôle appropriés. Toutefois, ce plan n'a pas encore été mis en œuvre. Nous conseillons fortement à la Commission de s'en occuper dans les plus brefs délais.

Globalement, la participation des anglophones a légèrement augmenté, puisqu'elle s'élève à 54,2 p. 100 de l'effectif par rapport à 53,4 p. 100 en 1987. Cependant, nous la jugeons encore trop faible compte tenu du mandat et de la situation géographique de la Commission. En outre, le taux de participation des anglophones est faible dans toutes les catégories d'emploi, sauf la Gestion (18 employés sur 23). En raison d'une réorganisation imminente, la Commission n'a pu augmenter son effectif durant la majeure partie de 1988. Par conséquent, elle n'a pas eu la possibilité de prendre de véritables mesures pour mettre en œuvre notre recommandation faite en 1986 en vue d'une participation plus équilibrée des deux groupes de langue officielle dans chaque catégorie d'emploi et à chaque niveau.

Dans notre rapport de vérification de 1986, nous avions aussi recommandé que la Commission révise son système de planification des langues officielles et qu'elle tienne les cadres imputables de leur apport au programme. Notre suivi a révélé que, même si l'on a pris des mesures pour assurer l'imputabilité des cadres, la planification des langues officielles demeure essentiellement inchangée : il n'y a rien ou à peu près rien sur le programme dans les plans que nous avons étudiés. La Commission devra faire mieux si elle tient à corriger les lacunes qui n'ont pas encore été réglées.

La Commission a fait l'objet de cinq plaintes en 1988, cinq de moins qu'en 1987. Toutes portaient sur le service au public. L'une concernait la piètre qualité du français dans une lettre, une autre signalait le fait qu'un employé n'avait pas assuré le service en français, et les trois autres avaient trait à diverses infractions à la *Loi sur les langues officielles* commises par des concessionnaires. Toutes ont été résolues de façon satisfaisante avant la fin de l'année.

Commission de la Fonction publique

La Commission de la Fonction publique prend très au sérieux ses responsabilités en matière de langues officielles. Au chapitre du service au public et de la langue de travail, son rendement linguistique est méritoire. Toutefois, on ne peut en dire autant de la formation professionnelle en langue française et de la participation équitable puisque de sérieux problèmes subsistent encore dans ces domaines.

La Commission réussit assez facilement à servir le public dans les deux langues officielles avec 90,4 p. 100 (1 547 sur 1 711) des employés qui satisfont aux exigences linguistiques de leur poste.

Les employés peuvent généralement utiliser l'une ou l'autre langue, que ce soit pour communiquer avec leur surveillant ou obtenir des services centraux. De fait, cette année, la Direction des services administratifs ainsi que la Direction des services financiers ont révisé leur capacité bilingue et ont rappelé à leurs gestionnaires qu'ils sont imputables de fournir des services en anglais comme en français.

Par ailleurs, la Commission cherche activement à rendre ses ordinateurs bilingues. En effet, trois autres logiciels de langue française ont été acquis en 1988, et les terminaux et les imprimantes reliés à l'ordinateur central ont maintenant la capacité de traiter les accents français.

Au chapitre de la participation, la haute gestion est consciente des lacunes et elle s'est fixée des objectifs concrets, mais il lui est difficile d'améliorer la situation en raison de la réduction de l'effectif. Les employés d'expression anglaise ne forment toujours que 36,8 p. 100 (773 sur 2 099) de l'effectif, ce qui nous semble insuffisant. Même si l'on exclut le personnel du Programme de la formation

linguistique, composé surtout de professeurs de langue française (donc d'expression française), la participation des anglophones ne s'élève qu'à 43,9 p. 100 (688 sur 1 567) et ces derniers sont particulièrement peu nombreux dans la catégorie Soutien administratif (34,6 p 100).

La formation professionnelle en langue française demeure un grave problème au sein de la Commission. Les employés d'expression française de la Fonction publique se voient souvent privés de formation dans leur langue car les cours en français sont souvent annulés et leur choix est parfois limité. En effet, 55,4 p. 100 des cours offerts en français ont été annulés durant les neuf premiers mois de 1988, alors que le pourcentage équivalent des cours en anglais s'élevait à 26,2 p. 100. La Commission s'est penchée sur cette question en tentant d'identifier les facteurs qui influencent les participants dans le choix de la langue des cours. Malgré qu'elle ait établi des normes spéciales quant au nombre requis de candidats pour certains cours afin d'accroître le nombre de cours donnés en français, la situation demeure toujours problématique.

Nous avons reçu 21 plaintes contre la Commission cette année.

Communications

Le programme des langues officielles se porte assez bien au ministère des Communications. Ce dernier a pris bonne note des observations dont nous lui avions fait part l'année dernière concernant l'offre active de ses services, et il a apporté les corrections qui s'imposaient. Toutefois, des problèmes persistent aux chapitres de la langue de travail et de la participation des deux collectivités de langue officielle.

Les services dans les deux langues officielles sont de bonne qualité. Le Ministère compte 994 employés occupant des postes bilingues pour assurer le service au public. Presque tous ces postes exigent le niveau intermédiaire ou supérieur de connaissance de la langue seconde et 789 (79,4 p. 100) titulaires de ces postes satisfont aux exigences linguistiques. L'Agence des télécommunications gouvernementales, qui a fait l'objet de plaintes dans le passé au sujet de la qualité des inscriptions gouvernementales dans les annuaires téléphoniques, tente actuellement de mettre sur pied un système de contrôle visant à prévenir ces erreurs.

Les employés du Ministère peuvent, en principe, travailler dans la langue officielle de leur choix dans les régions désignées, mais des difficultés persistent, notamment dans le domaine scientifique et technique. Le secteur de la recherche par exemple, qui compte pourtant près de 32,6 p. 100 de francophones, ne semble pas en mesure d'assurer une utilisation équitable du français au travail. Le Ministère devrait peut-être rendre le climat plus propice à l'utilisation des deux langues officielles en misant sur un plus haut niveau de bilinguisme de la part des scientifiques anglophones.

Les gestionnaires sont régulièrement informés de leurs obligations linguistiques. Toutefois, des 496 surveillants qui occupent un poste bilingue, seulement 74,6 p. 100 satisfont aux exigences linguistiques de leur poste, comparativement à 80,7 p. 100 l'année précédente. Le rehaussement des exigences linguistiques de certains postes est à l'origine de ce recul (le nombre de postes bilingues requérant une connaissance supérieure de la langue seconde étant passé de 131 à 207 en 1988). Il est donc essentiel que le Ministère offre aux surveillants plus de possibilités d'améliorer leurs connaissances de la langue seconde.

En vue de surmonter les obstacles qui empêchent l'utilisation de la langue seconde au travail, le Ministère compte sur un système de rétroaction qui encourage les employés à lui rapporter toute situation fautive. Une vingtaine de situations ont été rapportées cette année. Le Ministère tente, par la suite, de résoudre ces cas avec les gestionnaires.

La participation des Canadiens d'expression française dans l'ensemble du Ministère est trop élevée (34,1 p. 100 de 2 398 employés), en partie à cause du fort taux de ces derniers dans les catégories Soutien administratif (47,2 p. 100 ou 299 employés) et Administration et service extérieur (40,7 p. 100 ou 266 employés). La participation des employés francophones dans la catégorie Scientifiques et spécialistes a augmenté de 3,1 p. 100 depuis l'année dernière pour atteindre le niveau raisonnable de 24,7 p. 100. Toutefois, la participation des anglophones au Québec est encore faible, bien qu'elle ait doublé depuis un an en passant de 2 p. 100 à 4 p. 100.

Le programme des langues officielles semble bien géré. Les gestionnaires du Ministère élaborent leurs objectifs avec l'aide de la Division des langues officielles qui, à son tour, effectue un suivi et un contrôle de la mise en œuvre de ces objectifs. Un rapport trimestriel portant sur la composition linguistique du Ministère est soumis à la haute gestion, et la Division des langues officielles s'est entendue avec la vérification interne pour y intégrer la dimension des langues officielles. La Division a également participé à l'élaboration du questionnaire de vérification interne.

Nous avons reçu 14 plaintes contre le Ministère en 1988, comparativement à huit l'année dernière. Toutes ces plaintes étaient liées à divers aspects de la langue de service.

Conseil du Trésor

Le Secrétariat du Conseil du Trésor a continué cette année d'offrir activement un service bilingue de qualité. Par contre, plusieurs de ses employés, tant d'expression anglaise que française, voudraient pouvoir travailler plus souvent en français. Au chapitre de la participation, le Secrétariat connaît encore des déséquilibres dans certaines catégories professionnelles. C'est un bilan qu'on peut considérer comme satisfaisant, mais qui n'est pas sans défaillances.

Dotés d'une bonne capacité bilingue, aucun des secteurs du Secrétariat du Conseil du Trésor n'éprouve de difficultés à dispenser ses services dans les deux langues officielles. Dans l'ensemble, 81 p. 100 des postes du Secrétariat exigent la connaissance des deux langues officielles et le pourcentage des titulaires qui satisfont aux exigences linguistiques de leur poste est passé de 90 p. 100 l'année dernière à 92 p. 100 cette année. Le Secrétariat s'efforce de faire le meilleur emploi possible de ses commissionnaires bilingues (27 sur 65) et unilingues, en affectant ceux qui parlent les deux langues aux endroits les plus fréquentés par le public et en s'assurant que les unilingues qu'il doit aussi y assigner, travaillent de pair avec des bilingues. Toutefois, des plaintes reçues en fin d'année révèlent des failles dans les arrangements mis en place.

Sur une note différente, les difficultés de la société Great-West à offrir en tout temps un service bilingue aux bénéficiaires du plan d'assurance-dentaire de la Fonction publique ont refait surface. Ainsi, les relevés de remboursement des dépenses ne sont pas toujours remplis dans la langue utilisée par les bénéficiaires sur leurs formulaires de réclamation. Nous espérons que la solution d'ajouter une case, au moment de la réimpression des formulaires, pour permettre aux bénéficiaires d'indiquer leur langue préférée permettra de résoudre ce problème.

Les résultats d'un sondage, mené en octobre 1987 par le Secrétariat auprès de ses employés, révèlent que la situation du français comme langue de travail n'a guère évolué ces dernières années. Trente p. 100 des employés francophones et 36 p. 100 des anglophones souhaiteraient utiliser plus souvent le français. Au moment du sondage, le personnel d'expression anglaise déclarait travailler 84 p. 100 de son temps en anglais alors que celui d'expression française affirmait ne travailler que 39 p. 100 du sien en français. Afin d'encourager l'utilisation du français au travail, le Secrétariat a choisi de rehausser les exigences linguistiques de plusieurs postes de surveillance et d'offrir de plus grandes possibilités de formation linguistique. D'un autre côté, le Secrétariat n'a, à ce jour, relevé aucune barrière systémique à l'utilisation du français et il est d'avis qu'il incombe à ses employés francophones d'exercer leur droit de travailler dans leur langue. L'expérience démontre, selon nous, qu'une action incitative est généralement nécessaire pour obtenir de meilleurs résultats. Dans son prochain sondage, le Secrétariat demandera à ses employés d'identifier les principaux obstacles à l'usage du français au travail.

Des 724 employés du Secrétariat, 457 (63,1 p. 100) sont d'expression anglaise et 267 (36,9 p. 100) d'expression française. Des déséquilibres notés dans notre dernière évaluation, seul celui touchant la catégorie Scientifiques et spécialistes a été corrigé : les employés francophones y passant de 4 sur 32 (12,5 p. 100) à 6 sur 22 (27,3 p. 100). Dans la catégorie Gestion, le pourcentage d'employés d'expression française s'établit à 20,4 p. 100. La situation à cet égard a peu changé au cours des quatre ou cinq dernières années. Quant aux employés

d'expression anglaise, ils sont en nombre insuffisant dans la catégorie Soutien administratif où ils ne comptent plus que pour 38,8 p. 100 de l'effectif, comparativement à 44 p. 100 en 1987. Même si le personnel de cette catégorie est très largement recruté dans la région de la Capitale nationale et tend donc à refléter la composition locale de la population, l'écart actuel en faveur des employés d'expression française est manifestement inacceptable.

Le programme des langues officielles est généralement bien géré au Secrétariat. Les objectifs linguistiques sont intégrés aux plans opérationnels et les gestionnaires en sont comptables. Ceux-ci ont d'ailleurs participé à l'élaboration du protocole d'entente que le Secrétariat s'apprête à signer avec le Conseil du Trésor.

Dix-sept plaintes mettaient en cause le Secrétariat cette année, comparativement à quatre l'an dernier. Deux soulevaient des problèmes de langue de travail et des 15 autres, qui touchaient la langue de service, six concernaient l'accueil téléphonique, cinq autres l'unilinguisme anglais des commissionnaires, deux des réponses rédigées en anglais par la société Great-West à des réclamations faites en français et les deux dernières portaient sur des communiqués en anglais envoyés à un hebdomadaire de langue française. La collaboration du Secrétariat dans le règlement de ces plaintes a été bonne.

Consommation et Corporations

Les initiatives prises par le ministère de la Consommation et des Corporations en 1988, démontrent la volonté de sa gestion de faire avancer la réforme linguistique. D'ailleurs, les services au Ministère sont généralement offerts dans les deux langues officielles. Par contre, le français est toujours sous-utilisé comme langue de travail. Pour ce qui est de la participation des deux groupes linguistiques, il reste encore des progrès à faire dans certaines catégories d'emploi et en région.

Les services bilingues sont offerts spontanément à l'administration centrale, sauf au Bureau de la politique de concurrence où la capacité bilingue connaît des faiblesses. Le Ministère a toutefois élaboré, de concert avec la Commission de la Fonction publique, un projet pilote de formation linguistique dans le but d'augmenter le nombre d'employés bilingues dans ce secteur. L'accueil téléphonique étant unilingue anglais dans certains bureaux de district du Ministère, notamment dans les régions de l'Atlantique, des Prairies et certains districts de la région de l'Ontario, la clientèle francophone a l'impression qu'il est impossible de se faire servir en français à ces endroits, même lorsque le service bilingue y est disponible en principe. Le Ministère a mis au point un cours de formation en français correspondant aux besoins des réceptionnistes. Ce cours débutera en 1989 dans la région de l'Atlantique.

Au chapitre de la langue de travail, le français n'a toujours pas la place qui lui revient à l'administration centrale. En effet, environ 80 p. 100 des postes

bilingues de surveillance n'exigent que le niveau intermédiaire de connaissance de la langue seconde. Nous croyons qu'un plus grand nombre de ces postes devraient exiger le niveau supérieur. Soulignons toutefois que 42 p. 100 des surveillants du Ministère dans l'ensemble des régions bilingues, atteignent un niveau de compétence linguistique supérieur dans au moins une des trois habiletés. De plus, le Ministère cherche à sensibiliser les surveillants à la question linguistique en leur demandant de respecter les engagements qu'il a pris à cet effet et qui sont contenus dans un document préparé par le Ministère. Ce document s'intitule « Stratégie de mise en œuvre de la réforme linguistique au sein de C.C.C. ». Par ailleurs, en examinant un certain nombre de contrats de service qu'il a octroyés à des entreprises privées, le Ministère a constaté qu'ils ne comprenaient aucune clause linguistique. Dès le début de 1989, la gestion a donc l'intention d'inclure dans les contrats une clause exigeant des entreprises qu'elles disposent de ressources bilingues suffisantes pour communiquer dans la langue officielle des employés du Ministère. De plus, elles devront être en mesure de produire des rapports dans les deux langues officielles lorsque jugé nécessaire.

Même si les deux tiers de l'effectif du Ministère œuvrent dans la région de la Capitale nationale, la participation globale des francophones est trop élevée (37,6 p. 100). Le nombre d'employés anglophones est insuffisant dans les catégories Soutien administratif (49,5 p. 100) et Administration et service extérieur (61,4 p. 100). Par contre, il y a trop peu d'employés francophones dans la catégorie Gestion (18,6 p. 100). Toutefois, on constate qu'au fil des ans, le Ministère s'est efforcé de recruter un plus grand nombre de francophones dans la catégorie Scientifiques et spécialistes. Ainsi, il en comptait 22,2 p. 100 en 1988, comparativement à 16 p. 100 en 1982. Au Québec, les anglophones ne forment que 5,2 p. 100 de l'effectif, ce qui est de beaucoup inférieur à leur présence régionale.

Le Ministère accorde de l'importance à la question des langues officielles et gère son programme de façon efficace. Ainsi, le Comité de direction fixe des objectifs précis que les gestionnaires doivent atteindre. D'ailleurs, ces derniers sont évalués annuellement à cet égard. Les objectifs sont intégrés aux plans opérationnels de la gestion.

Nous avons reçu six plaintes contre Consommation et Corporations en 1988, comparativement à 12 l'an dernier. Toutes portaient sur la langue de service. Le Ministère a fait preuve d'une bonne collaboration dans le traitement de ces dossiers qui ont tous été réglés.

Contrôleur général

La situation des langues officielles laisse encore à désirer au Bureau du Contrôleur général. Même si ce dernier a maintenu sa bonne capacité bilingue et a consolidé ses pratiques quant aux communications avec les autres ministères,

les problèmes relatifs à la faible participation des Canadiens d'expression française parmi les gestionnaires supérieurs et à l'utilisation insuffisante du français au travail demeurent aussi aigus. La haute direction semble cependant décidée à agir pour redresser la situation. Un nouveau plan avec des objectifs précis a été adopté et un comité supérieur a été chargé d'en surveiller la mise en œuvre.

Disposant d'un effectif bilingue relativement élevé (près de 60 p. 100 des employés), le Bureau est généralement en mesure de servir sa clientèle, principalement composée de ministères et d'organismes, dans les deux langues officielles. D'ailleurs, sa politique prescrit clairement que les ministères font partie du public qu'il dessert. Les efforts déployés pour offrir un plus grand nombre de cours en français dans le domaine de l'évaluation des programmes donnent de bons résultats. Le Bureau a offert cette année un nombre égal de cours en français et en anglais et le nouveau cours sur l'initiation à l'évaluation des programmes a d'abord été élaboré et présenté en français. Il a aussi lancé un programme de recherches bibliographiques sur l'évaluation des programmes en français. Le Bureau s'est par ailleurs engagé à donner suite à notre recommandation d'accorder une plus grande place au français au cours des ateliers et des présentations organisés à l'intention des fonctionnaires des autres ministères. Nous estimons que le Bureau s'efforce ainsi de mieux assumer le rôle de leader qui lui incombe lorsqu'il s'agit d'élaborer des activités en français dans le domaine de la gestion.

La performance de l'organisme n'est pas aussi reluisante au plan de la langue de travail. Un sondage effectué à la fin de 1987 a démontré que la place du français n'avait fait que se rétrécir au cours des ans. En 1983, les employés francophones utilisaient le français 40 p. 100 de leur temps. Ce pourcentage est tombé à 24 p. 100 en 1987. Pour leur part, les employés d'expression anglaise utilisent leur langue dans une proportion qui se situe constamment entre 80 et 85 p. 100. Le sondage révèle aussi que le français est utilisé moins de 20 p. 100 du temps par les employés d'expression française dans la rédaction de documents et durant les réunions. Aussi n'est-il pas surprenant d'apprendre que près de la moitié du personnel d'expression française et 40 p. 100 de celui d'expression anglaise souhaiteraient que le français soit utilisé plus souvent au travail.

Le Bureau a commencé à prendre des mesures pour corriger ces lacunes. Le Contrôleur général encourage activement les employés francophones à s'exprimer dans leur langue durant les réunions hebdomadaires. Le Comité de gestion compte maintenant plus de membres d'expression française (quatre comparativement à six d'expression anglaise) et l'emploi du français y est plus fréquent. On a aussi noté une augmentation dans la proportion des documents présentés en français à ce comité. Ces efforts doivent cependant être davantage généralisés pour corriger le sérieux déséquilibre mis en évidence par les données du sondage.

Le Bureau doit aussi s'attaquer vigoureusement à rectifier une autre situation qui influe grandement sur le statut de chaque langue dans le milieu de travail, soit la faible participation des employés de langue française dans la catégorie Gestion. Sur un total de 51 gestionnaires supérieurs, il n'y a que sept francophones, soit 13,7 p. 100 (13,1 p. 100 en 1987). Il est vrai que la réduction du nombre de cadres, à la suite d'une réorganisation, de 61 en 1987 à 54 cette année, a laissé peu d'occasions au Bureau d'agir dans ce secteur. Il ne doit cependant pas rater sa chance, lorsque des postes deviendront vacants, pour chercher activement à redresser la situation. L'équilibre est satisfaisant pour l'ensemble des employés, le personnel d'expression anglaise formant 75 p. 100 de l'effectif et celui de langue française 25 p. 100.

Le Bureau a amélioré la gestion de son programme des langues officielles. Il a élaboré un nouveau plan dans ce domaine, revu ses principes concernant les communications avec les ministères et a mis sur pied un comité supérieur qui sera chargé de surveiller la mise en œuvre du plan.

Tout comme en 1987, nous n'avons reçu aucune plainte contre le Bureau au cours de l'année.

Défense nationale

Cette année, le ministère de la Défense nationale a consacré beaucoup d'énergie à la mise en œuvre des recommandations faites en 1987 dans le rapport spécial du Commissaire au Gouverneur en conseil sur la langue de travail au quartier général de la Défense. Les mesures prises comprennent l'ajout du bilinguisme aux facteurs d'avancement des officiers et le lancement d'une campagne d'envergure en vue de rappeler au personnel de la Défense ses droits et ses responsabilités en matière de langues officielles. En outre, une deuxième petite unité de langue française a été créée au quartier général, afin de favoriser l'usage du français à la Direction générale du matériel. En dépit de ces activités, si bonnes soient-elles, nous n'avons constaté aucun progrès sur certains points clés. Ainsi, la traduction de l'arriéré de documents unilingues anglais accuse un retard considérable. De plus, les efforts répétés du Ministère en vue d'offrir une plus grande partie de l'instruction militaire en français aux 23 746 francophones se sont avérés inefficaces, et la capacité bilingue n'a pas augmenté au même rythme que le nombre de postes bilingues.

À la fin de l'année, le Ministère n'avait pas encore procédé à la refonte, depuis longtemps attendue, de ses plans civils et militaires en matière de langues officielles. Toutefois, il a commencé à élaborer un plan directeur à cet effet, mais il ne prévoit pas compléter sa mise en vigueur avant 1990. La Défense a réitéré son engagement d'intégrer les questions de langues officielles dans toutes ses activités. Le gouvernement et le Ministère auraient avantage à commencer par revoir la composition de leurs comités de haute gestion, le Conseil de la défense et le Comité de gestion de la Défense, tous deux formés de 11 membres anglophones et d'aucun francophone.

La Défense nationale mène une étude d'une durée de deux ans sur la désignation linguistique de ses 119 348 postes militaires et civils. Jusqu'à maintenant, le nombre de postes militaires bilingues est passé de 12 887 à 14 762, ce qui représente une augmentation de 14,5 p. 100 par rapport à 1987. Bien que le total des titulaires de postes bilingues répondant aux exigences linguistiques de leur poste ait lui aussi augmenté, 76,6 p. 100 des titulaires de postes militaires bilingues n'ont toujours pas la compétence linguistique voulue. Par contre, chez les civils, seulement 18,1 p. 100 ne satisfont pas aux exigences linguistiques de leur poste. Le Ministère compte largement sur un programme de formation linguistique plus efficace, à l'intention de son personnel militaire anglophone, pour accroître sa capacité bilingue. D'ailleurs, tous les militaires désirant accéder à un poste de commandement devront être bilingues, avant une date limite fixée par le Ministère. Ainsi, à compter de 1998, seul un militaire bilingue pourra accéder au grade de lieutenant-colonel. Entre-temps, on confirmera la compétence en langue seconde de milliers de militaires bilingues. En 1989, le Ministère devrait avoir une idée plus juste de ses ressources bilingues et devrait être en mesure d'établir des priorités en vue de faire correspondre ses ressources à ses besoins.

Notre étude sur le programme du Ministère destiné à assurer l'instruction en français à l'intention des militaires francophones a révélé qu'il n'était tout au plus qu'une illusion. Francotrain est depuis longtemps axé davantage sur des mécanismes aidant les francophones à recevoir leur instruction en anglais que sur des moyens d'offrir des cours dans les deux langues officielles. Tout cela devait changer en 1986, grâce à la revitalisation du programme. Francotrain a pris de l'ampleur et englobe la quasi-totalité des 1 200 cours offerts par le Ministère aux militaires. De plus, des critères servant à évaluer les progrès réalisés ont été établis, et un système de suivi a été mis en place. Les changements apportés devaient obliger les écoles à veiller notamment à ce qu'une certaine proportion des manuels d'instruction soit traduite et que des instructeurs bilingues soient disponibles, jusqu'à ce que les cours puissent être donnés en français aussi bien qu'en anglais. Les écoles devaient améliorer le niveau d'aide pédagogique afin qu'éventuellement les participants puissent suivre le cours d'instruction dans la langue officielle de leur choix.

Notre étude a révélé une certaine confusion, malheureusement largement répandue, quant aux objectifs, aux méthodes et aux ressources de Francotrain. Dans les écoles, bien peu d'instructeurs étaient au courant du programme ou comprenaient comment le programme pouvait s'appliquer à leurs cours. De plus, plusieurs administrateurs d'écoles ne connaissaient pas le rôle qu'ils avaient à jouer dans la mise en œuvre du programme. Dans la marine et dans l'aviation, on nous a dit à plusieurs reprises qu'il était contre-indiqué d'offrir une formation en français car la langue des mers et des airs est l'anglais. Aujourd'hui, il n'y a toujours pas de cours d'instruction entièrement en français aux Commandements aérien et maritime. Dans le cas de la Force mobile, les données du Ministère

indiquent que 35 p. 100 des cours sont donnés dans les deux langues. Toutefois, dans plusieurs de ces cours, on regroupe des francophones et des anglophones pour leur dispenser une formation en anglais.

Les francophones qui échouent à un cours d'instruction en anglais, faute de maîtriser cette langue, sont généralement envoyés en cours de langue ou affectés à un poste anglais pour améliorer leur langue seconde, avant d'être réinscrits à leur cours d'instruction. Cette pratique semble être à l'encontre de la politique du Ministère, qui exige des militaires qu'ils aient un niveau de compétence linguistique suffisant pour assumer les fonctions de leur poste. Nous recommandons à la Défense nationale d'évaluer l'efficacité de cette pratique. Entretemps, le Ministère devrait tenir compte de la raison d'être de ces affectations dans l'évaluation du rendement des employés concernés.

Le Ministère n'a pas les ressources nécessaires pour assurer la plus grande partie de l'instruction de ses militaires en français. Une proportion très importante des documents techniques sont toujours unilingues anglais. De plus, les ressources humaines disponibles ne peuvent répondre aux besoins de Francotrain puisque les trois quarts des postes militaires bilingues sont occupés par des unilingues. Dans ces conditions, le Ministère devrait affecter sa capacité bilingue limitée aux cours de base. Le Commandement maritime a déjà pris des mesures en ce sens. En effet, il n'est pas très logique de traduire le matériel d'instruction des cours avancés si toute l'instruction préliminaire a été dispensée en anglais seulement. De même, pour que les francophones ne soient pas désavantagés parce qu'ils ont reçu leur instruction dans leur langue, la Défense nationale doit leur offrir de meilleures chances de travailler en français, tout en leur donnant une formation en langue seconde pour permettre leur avancement professionnel et faciliter leur mobilité.

Un suivi de notre étude de 1984 sur le réseau des coordonnateurs des langues officielles du Ministère a révélé que d'importantes mesures restaient encore à être prises. Il faudra attendre l'introduction du nouveau plan des langues officielles pour que le rôle de coordination du directeur général des langues officielles soit plus clairement défini. C'est pour la même raison que notre recommandation, de s'assurer que les décideurs ont à rendre compte spécifiquement de la mise en œuvre du programme des langues officielles, n'a pas été mise en œuvre. On a bien publié des directives afin d'uniformiser et d'améliorer les descriptions de tâches des coordonnateurs des bases, mais leur rôle dans la mise en œuvre de la politique, ainsi que les services de soutien qu'on leur a affectés, dépendent toujours largement des priorités de chaque commandant de base plutôt que des besoins du programme et du travail à accomplir.

Notre suivi du rapport du Commissaire au Gouverneur en conseil sur la langue de travail a révélé qu'un programme de dix ans conçu pour réduire l'arriéré de traduction des documents unilingues anglais avait raté de plus des deux tiers son

objectif de 60 000 pages qui devait être atteint après la troisième année. Le Ministère a pris des mesures pour remettre le programme sur la bonne voie. De plus, il fait des essais de traduction par ordinateur en collaboration avec le Bureau de la traduction du Secrétariat d'État. Les résultats préliminaires des derniers essais laissent présager qu'il serait possible d'accroître sensiblement la productivité. On a décidé d'avoir recours à cette technologie dans le projet des frégates de patrouille, mais les marins francophones devront patienter pendant des années, après la mise en service du premier de ces navires, avant d'avoir des manuels d'instruction et des instruments de travail dans leur langue.

Les militaires francophones constituent 27,8 p. 100 de l'effectif total. Chez les officiers, leur taux de participation continue de s'améliorer (23,8 p. 100 par rapport à 23,3 p. 100 en 1987). Par contre, chez les employés civils, il a légèrement baissé (19,8 p. 100 des 32 872 employés), alors qu'il devait s'accroître. Le taux de participation des civils anglophones au Québec s'est stabilisé à 9,4 p. 100, après avoir baissé régulièrement pendant plusieurs années. Le plan élaboré en vue d'assurer une participation équitable des deux groupes linguistiques parmi les employés civils est axé sur le recrutement actif de membres du groupe linguistique minoritaire grâce à des contacts dans les établissements postsecondaires.

La Défense nationale a fait l'objet de 74 plaintes en 1988, 14 de moins qu'en 1987. La majorité portaient sur le manque de service en français, tant pour le public que pour le personnel du Ministère. Les plaintes concernant l'accueil téléphonique et en personne ont poussé le Ministère à offrir des cours spéciaux aux réceptionnistes et à se servir des bulletins internes pour sensibiliser son personnel à la nécessité d'offrir des services bilingues de façon active.

Par contre, la réponse du Ministère à une plainte sur la langue de travail a été moins encourageante. Un journal avait rapporté que les annonces à bord d'un des deux navires de langue française de la Marine étaient parfois en anglais seulement. Le Ministère a expliqué que les annonces pouvaient être en anglais seulement en cas d'urgence, question d'éviter la confusion et de gagner du temps, et ce peu importe la désignation linguistique du navire.

Le Ministère a rapidement réglé certains problèmes qui ont surgi durant l'année et s'efforce de réduire le délai nécessaire au traitement des plaintes.

Emploi et Immigration

La Commission de l'Emploi et de l'Immigration a, dans l'ensemble, maintenu sa bonne performance en 1988. Il faut néanmoins signaler une hausse du nombre de plaintes au sujet du manque de services en anglais au Québec. La Commission a commencé à s'attaquer plus fermement à la sous-participation des employés anglophones dans cette province. D'ailleurs, la faible proportion du personnel

d'expression anglaise au Québec, et dans certaines catégories d'emploi, explique l'insuffisance numérique de ce groupe au sein de la Commission. La CEIC fait toujours preuve de dynamisme dans l'administration de son programme des langues officielles et a été un des premiers organismes à signer un protocole d'entente, bien fait d'ailleurs, avec le Conseil du Trésor.

La Commission réussit généralement à offrir à ses clients un service dans les deux langues, quoique ce ne soit pas toujours fait spontanément. C'est le cas entre autres au Québec, où l'accueil est fait uniquement en français dans certains bureaux des régions où la demande pour des services en anglais est importante. La Commission tient des rencontres régulières avec les groupes de langue minoritaire de toutes les provinces. Elle a ainsi tenu pas moins d'une centaine de réunions avec ces groupes en 1988. Cette année, 28 centres d'information téléphonique sur l'assurance-chômage ont été mis en place à travers le pays et le service y est bilingue partout. Nous constatons avec intérêt que la Commission a répondu à notre demande et s'est engagée, dans son protocole d'entente, à augmenter le nombre de postes requérant un niveau supérieur de compétence en langue seconde, particulièrement pour les postes de conseiller en emploi.

Des 25 068 employés de la Commission, 5 936 (23,7 p. 100) occupent des postes bilingues et 5 327 (89,7 p. 100) ont la compétence linguistique requise, pour la plupart de niveau intermédiaire. Toutefois, ce pourcentage est plus bas dans plusieurs provinces et particulièrement en Alberta où 21 des 88 titulaires de postes bilingues (23,9 p. 100) ne répondent pas aux exigences linguistiques de leur poste. À l'Île-du-Prince-Édouard, il n'y a toujours que six employés bilingues sur 219 (2,7 p. 100), une proportion qui nous semble insuffisante pour répondre aux besoins de la minorité francophone qui forme 4,1 p. 100 de la population.

Dans les centres d'emploi, la Commission utilise depuis deux ans un système informatisé de cartes d'emploi ; or, la traduction par ordinateur s'avère souvent inexacte. L'an dernier, la Commission nous a assurés que le système était périodiquement mis à jour pour éviter la répétition de traductions fautives. Malheureusement, les mêmes incongruités ont été retrouvées encore cette année. On peut mettre en doute l'efficacité des procédures de révision.

La Commission a réussi, surtout dans les régions bilingues, à créer un milieu où les employés peuvent travailler dans la langue officielle de leur choix. Les services centraux, du personnel et de la vérification disposent d'une bonne capacité bilingue, ce qui leur permet d'offrir leurs services dans les deux langues. Quant à la proportion de surveillants bilingues, elle est sensiblement la même que l'an dernier, soit près de 90 p. 100 ; cependant, seulement 7,9 p. 100 d'entre eux possèdent une connaissance supérieure de leur langue seconde. Sur une note plus positive, mentionnons que la Commission a exigé le bilinguisme comme qualification de base pour une cinquantaine des 129 postes de surveillance qui ont été

comblés au cours de l'année dans les régions bilingues aux fins de la langue de travail. Elle a également innové, cette année, en matière de formation en offrant d'abord plusieurs de ses cours en français plutôt qu'en anglais, ce qui a incité plus d'employés francophones à suivre des cours dans leur langue.

La participation globale des deux groupes linguistiques s'est maintenue à peu près au même niveau que l'an dernier, soit 65,3 p. 100 d'employés anglophones et 34,7 p. 100 d'employés francophones, ce qui nous paraît trop élevé pour ce dernier groupe. La participation des employés d'expression anglaise est surtout faible dans la catégorie Soutien administratif où ils ne forment que 63,7 p. 100 des 11 904 employés.

Le personnel d'expression française est en nombre suffisant dans toutes les provinces à majorité anglophone. Au Québec, par contre, on trouve seulement 164 employés anglophones parmi les 5 884 membres du personnel, soit moins de 3 p. 100 de l'effectif. Le directeur exécutif du Québec a établi des objectifs précis pour ses gestionnaires principaux, relativement à la participation des Canadiens anglophones dans la Fonction publique au Québec, en tenant compte du rapport préparé par le Commissaire à ce sujet et présenté au Gouverneur en conseil. La Commission a également noué des rapports plus étroits avec les associations et les institutions d'enseignement du groupe minoritaire en vue d'attirer davantage de candidats à combler les postes vacants. De plus, elle a commencé à réviser les procédures de dotation et les exigences linguistiques des postes au Québec afin de s'assurer qu'il n'y ait pas de barrières systémiques qui défavoriseraient l'accès des anglophones à la Commission. Ces initiatives arrivent à point car le nombre de nouveaux employés durant les neuf premiers mois de 1988 démontre une fois de plus la nécessité d'actions concrètes. En effet, même si la Commission recrute actuellement au Québec peu de personnes à temps plein (ce qui ne l'aide guère à modifier la situation présente), il n'en demeure pas moins qu'elle en embauche un nombre important pour des périodes déterminées, dont une certaine proportion deviennent éventuellement des employés permanents. Or, moins de 3 p. 100 des quelque 650 personnes embauchées pour une période déterminée au Québec en 1988 étaient anglophones. Les quelque 6 000 employés de la CEIC au Québec comptent pour près de 20 p. 100 des employés de la Fonction publique dans cette province, et on ne pourra augmenter de façon globale la participation des employés anglophones tant et aussi longtemps que la CEIC ne réussira pas à améliorer sa situation.

La Commission continue de gérer efficacement son programme des langues officielles. Elle a signé, avec le Conseil du Trésor, un protocole d'entente touchant différents aspects de son programme. En outre, elle s'est fixée comme objectifs d'augmenter le nombre de postes exigeant un niveau supérieur de compétence en langue seconde, de vérifier régulièrement le degré de satisfaction de la clientèle minoritaire, d'améliorer l'offre active de services dans les deux langues officielles, de mettre en place un système permettant de juger de la demande

réelle de service dans la langue minoritaire et finalement d'assurer un suivi pour les employés ayant reçu une formation linguistique. La seule ombre au tableau à ce sujet est le nombre insuffisant d'employés affectés aux langues officielles, tant à l'administration centrale qu'en région. Ceux-ci sont passés de 24 en 1982 à 18 en 1988. En effet, la Commission ne peut continuer à réduire l'effectif de cette direction sans nuire à la bonne marche du programme.

La Commission a fait l'objet de 114 plaintes cette année, comparativement à 137 en 1987. Comme par le passé, la plupart d'entre elles avaient trait au service au public dans les centres d'emploi, les bureaux de création d'emplois et les centres d'emploi pour étudiants. Pour la première fois, la région du Québec a été l'objet du plus grand nombre de plaintes, soit 39. Le nombre d'anglophones éprouvant de la difficulté à obtenir un service dans leur langue a sensiblement augmenté.

Nous avons reçu des plaintes dignes d'attention concernant la langue de travail, en particulier au sujet du Programme de la planification de l'emploi. Dans un premier cas, la version française d'un sondage envoyé à tous les employés de ce programme à travers le pays était de si piètre qualité qu'elle a dû être retirée et retournée à la traduction. Plusieurs employés francophones ont donc utilisé la version anglaise du questionnaire, puisqu'ils ne savaient pas si et quand une nouvelle version française serait émise. Dans un autre cas, les francophones du Nord et de l'Est de l'Ontario ont dû attendre jusqu'à la fin du mois de septembre pour recevoir, dans leur langue, le cours de formation portant sur un nouveau programme en vigueur depuis le 1er juillet parce que les documents pertinents n'étaient pas disponibles en français. Il est à noter que ce cours avait été offert aux employés anglophones en juin, soit avant la mise en vigueur du programme.

Énergie, Mines et Ressources

Le ministère de l'Énergie, des Mines et des Ressources est parvenu encore cette année à marquer des points en matière de participation équitable des deux groupes linguistiques surtout au niveau de la gestion. Toutefois, sa situation a peu progressé en ce qui concerne la langue de travail et l'administration de son programme des langues officielles. Aucune amélioration notable n'a été réalisée quant à la prestation de services bilingues à la clientèle, en dépit de l'effort fourni dans ce domaine.

Au chapitre de la langue de service, le Ministère éprouve des difficultés à assurer des services bilingues adéquats dans certaines régions du pays. Pour corriger cette lacune, il a pris des dispositions dignes de mention. En effet, il a mis en service un numéro de téléphone sans frais pour l'obtention de renseignements, à l'intention des minorités linguistiques dans les régions où il y avait absence d'employés bilingues. Ce numéro a été diffusé aux associations minoritaires. Par ailleurs, le nombre de postes bilingues requérant une connaissance supérieure de la langue seconde a augmenté de près de 3 p. 100 dans l'ensemble du personnel

(de 17,6 à 20,5 p. 100), ce qui devrait améliorer la qualité du service bilingue. Toutefois, la capacité bilingue du Ministère est demeurée presque inchangée avec 80,9 p. 100 des 1 935 titulaires de postes bilingues pouvant satisfaire aux exigences linguistiques de leur poste. Le Ministère gagnerait à augmenter le nombre d'employés bilingues en ses rangs et devrait encourager plus fortement les employés qui ne satisfont pas aux exigences linguistiques à parfaire leur connaissance de la langue seconde.

Il faut toutefois signaler certaines initiatives du Ministère qui devraient lui permettre d'offrir un meilleur service en français au Québec, tout en assurant une présence qu'il n'avait pas encore dans cette région du pays. Ainsi, par exemple, la Commission géologique du Canada est arrivée à une entente avec l'Université Laval en vue d'établir le Centre géoscientifique du Québec.

Au chapitre de la langue de travail, les gestionnaires sont, dans l'ensemble, bien informés de leurs obligations envers les employés. Selon le Ministère, les plans sectoriels de langues officielles auraient eu pour effet de donner aux employés d'expression française plus de possibilités de travailler dans leur langue. Le pourcentage de surveillants unilingues a diminué de 1,2 p. 100, mais il reste encore beaucoup à faire au Ministère puisque 27,8 p. 100 des surveillants qui occupent des postes bilingues ne satisfont pas aux exigences linguistiques de leur poste et la grande majorité d'entre eux en est exemptée. Cette situation présente un obstacle majeur à l'utilisation des deux langues officielles au travail en dépit des dispositions administratives visant à corriger cette lacune.

Les documents de travail sont en général publiés dans les deux langues officielles. Néanmoins, quelques exceptions subsistent et le Ministère semble préférer les corriger au fur et à mesure qu'elles font surface plutôt que de les prévenir en insistant sur la publication simultanée des éditions française et anglaise. Cette attitude du Ministère est d'autant plus inexplicable que cinq secteurs sur 11 disposent maintenant d'un traducteur attitré permettant ainsi aux gestionnaires d'assurer un meilleur contrôle de la documentation bilingue.

La section de la vérification interne compte quatre vérificateurs bilingues sur neuf, mais seulement un de ces quatre possède une capacité supérieure en langue seconde, ce qui est nettement insuffisant. De plus, il y a eu un manque apparent de sensibilité à la question des langues officielles dans cette section comme le démontre le choix initial d'un vérificateur unilingue anglais pour effectuer des entrevues durant une vérification du programme des langues officielles. En fin d'année, cette section a entrepris une réorganisation qui devrait lui permettre d'augmenter sa capacité bilingue à un niveau conforme à ses obligations.

La participation des deux groupes linguistiques semble assez équilibrée dans ce Ministère qui compte 4 721 employés (75,2 p. 100 d'expression anglaise et 24,8 p. 100 d'expression française). Celle des employés francophones dans la

catégorie Scientifiques et spécialistes atteint maintenant 16,8 p. 100, une augmentation de 1 p. 100 depuis l'an dernier. En dépit de ce progrès réalisé alors que le roulement du personnel était minime, il n'en reste pas moins que le niveau de participation francophone dans cette catégorie demeure beaucoup trop faible.

Nous nous devons de féliciter le Ministère d'avoir augmenté, dans la catégorie Gestion, la participation des cadres francophones de 16,1 p. 100 à 20 p. 100 cette année. Dans les régions, la situation démolinguistique est demeurée inchangée. Les employés francophones sont encore quasi invisibles dans l'Ouest et dans la région de l'Atlantique, sauf au Nouveau-Brunswick, alors que les anglophones ne sont pas suffisamment présents au Québec.

L'administration du programme des langues officielles a été effectuée cette année par le biais de plans sectoriels qui se sont avérés efficaces pour améliorer l'équilibre de la participation. Un manque de suivi de la part des gestionnaires, à la suite de plaintes reçues par le Commissariat, nous laisse cependant croire à un laisser-aller en ce qui a trait à la prestation de services bilingues.

Nous avons reçu cette année 18 plaintes contre le Ministère, en comparaison à 12 en 1987. La majorité portait sur la langue de service.

Environnement*

Au ministère de l'Environnement, l'année 1988 a été marquée par un exercice intensif de planification en matière de langues officielles et par un engagement de la haute gestion à atteindre des objectifs précis d'ici trois ans. En général, le Ministère s'acquitte bien de ses responsabilités envers le public sauf dans les parcs de l'Ouest où des problèmes importants subsistent dans la prestation de services en français. On y remarque toujours des carences en matière de langue de travail et de participation des deux collectivités de langue officielle.

Dans l'ensemble, le public peut s'attendre à recevoir des services de bonne qualité dans les deux langues officielles, tant dans les communications écrites qu'orales. Des lacunes graves persistent cependant dans les parcs de l'Ouest et particulièrement à Banff. En effet, les services en français ne sont pas dispensés de façon régulière et souvent ils ne sont pas disponibles à des endroits aussi importants que les guichets d'entrée, les centres d'accueil et les postes de garde. Par ailleurs, l'affichage est encore souvent unilingue anglais. Le Service canadien des parcs se doit de prendre les mesures requises pour corriger cette situation qui n'a que trop duré. Il trouverait sans doute avantageux de recourir aux moyens qui lui ont permis d'améliorer la situation linguistique dans ses parcs de l'Atlantique.

Le Ministère a poursuivi ses efforts afin d'obtenir l'autorisation des provinces d'annoncer ses parcs et ses sites en bordure des routes, au moyen d'affiches bilingues ou pictographiques. Les quatre provinces de l'Atlantique de même que

l'Alberta et le Yukon ont donné leur assentiment au projet, tandis qu'au Québec et en Ontario, les négociations continuent. En ce qui concerne les autres provinces, elles ont soit refusé de collaborer avec le Ministère, soit décidé de ne pas trancher la question à ce moment-ci.

Le Service de l'environnement atmosphérique a interrompu cette année sa ligne téléphonique sans frais qui avait été établie sur une base intérimaire en 1983 et qui permettait au grand public habitant à l'extérieur du Québec d'avoir accès à un service de renseignements en français. Il a décidé d'utiliser son réseau de répondeurs téléphoniques pour annoncer les prévisions météorologiques dans les deux langues officielles. Une vérification de ce service nous a permis de constater que les messages étaient enregistrés en français et en anglais. Toutefois, les Canadiens d'expression française qui habitent Sault Sainte-Marie et North Bay doivent maintenant payer des frais d'interurbain s'ils veulent obtenir des renseignements supplémentaires en français. Dans ces mêmes villes, les Canadiens d'expression anglaise n'ont qu'à composer un numéro local pour obtenir des renseignements additionnels dans leur langue. Cette pratique, qui ne respecte pas le statut d'égalité des deux langues, va à l'encontre de la *Loi sur les langues officielles*. Environnement Canada vient de s'engager à corriger cette situation avant la fin du mois de mars.

Au chapitre de la langue de travail, le français n'occupe toujours pas la place qui lui revient, sauf au Québec. Cette situation est due, en grande partie, au fait qu'uniquement 80,8 p. 100 des surveillants sont bilingues et que parmi ceux-ci, seulement 13,5 p. 100 ont une compétence supérieure au niveau intermédiaire. Les cours de formation et de perfectionnement, de même que les services centraux et du personnel, sont généralement offerts dans les deux langues officielles. Les instruments de travail et les documents sont également émis en version finale dans les deux langues. Cependant, les ébauches ne sont habituellement rédigées qu'en anglais et elles sont distribuées, même au Québec, dans cette seule langue pour fin de commentaires.

Environnement Canada compte 1 934 francophones sur 9 733 employés (19,9 p. 100), ce qui semble assez bien équilibré compte tenu de la forte décentralisation du Ministère. Si le taux de participation des employés francophones est acceptable dans les catégories Administration et service extérieur (27,4 p. 100) et Soutien administratif (29,3 p. 100), il est nettement trop faible dans les catégories Gestion (15,5 p. 100) et Scientifiques et spécialistes (17,7 p. 100). On constate aussi des anomalies au niveau régional puisque la participation des employés francophones n'est que de 26,3 p. 100 au Nouveau-Brunswick et la participation des employés anglophones n'est que de 7,4 p. 100 au Québec.

Cette année, le Ministère a complètement révisé son programme des langues officielles et les sous-ministres adjoints ont signé, avec le sous-ministre, des

protocoles d'entente dans le but d'améliorer la situation. Les protocoles font état d'objectifs précis touchant le service au public, l'utilisation du français comme langue de travail et la participation des deux collectivités de langue officielle, tant au niveau régional que dans les diverses catégories d'emploi. Les gestionnaires sont imputables de l'atteinte des résultats, et des mesures de contrôle sont en place. Toutes ces démarches nous laissent envisager des progrès attendus depuis longtemps.

Le Ministère a fait l'objet de 57 plaintes cette année, comparativement à 74 l'an passé. Cinquante et une plaintes touchaient le service au public, et de ce nombre, 22 portaient sur les parcs. Dans l'ensemble, la collaboration du Ministère a été satisfaisante sauf dans l'Ouest, où souvent les plaintes ne trouvent pas de règlement adéquat.

Expansion industrielle régionale

Une restructuration d'envergure s'opère actuellement au ministère de l'Expansion industrielle régionale (MEIR). Ainsi, certains de ses effectifs régionaux ont servi à créer l'Agence des perspectives économiques du Canada atlantique et le Bureau de diversification de l'économie de l'Ouest, tandis que le ministère d'État aux Sciences et à la Technologie est venu se greffer au noyau existant. Par ces échanges s'organise progressivement un ministère qui sera connu sous le nom d'Industrie, Sciences et Technologie Canada (ISTC) et pour lequel la législation, encore au stade de projet, prévoit un nouveau mandat.

C'est dans ce contexte que le MEIR poursuit, avec plus ou moins de succès, la mise en œuvre de son programme des langues officielles. Le Ministère peut compter sur l'élan déjà pris. Un suivi, dont le rapport a été publié cette année, nous a permis de constater que la plupart des recommandations proposées à la suite de notre vérification de 1985 sur une de ses composantes, Tourisme Canada, ont été mises en œuvre.

De façon générale, le MEIR fournit des services dans la langue officielle du client au téléphone, en personne et par correspondance. Toutefois, il y a un relâchement sporadique de l'accueil téléphonique bilingue. De plus, en dépit de ses 1 141 postes bilingues à travers le pays, soit 61 p. 100 des 1 869 postes destinés au service du public, et du taux élevé d'employés qui répondent aux exigences de bilinguisme (80 p. 100 et plus partout au pays, sauf au Manitoba et à l'Île-du-Prince-Édouard), certains titulaires éprouvent encore des difficultés à fournir des services en français en raison de la terminologie spécialisée. Le MEIR publie régulièrement ses annonces dans les médias des deux langues officielles. Il cernerait cependant mieux les besoins des groupes de langue officielle minoritaire, particulièrement ceux à vocation d'affaires, s'il les consultait davantage.

Au sein du Ministère, il est possible de travailler, d'être évalué et de recevoir une formation dans les deux langues officielles. Malheureusement, la culture organi-

sationnelle du MEIR fait que trop peu d'employés francophones, surtout dans la région de la Capitale nationale, choisissent le français de façon régulière et systématique. Toutefois, on constate, par rapport à l'an dernier, une augmentation de 0,8 p. 100 du nombre de surveillants qui répondent aux exigences des postes bilingues, la proportion étant passée à 81,8 p. 100 (341 sur 417). Le Ministère souligne un autre indice encourageant, l'accroissement marqué de la rédaction en français. En effet, le volume des traductions vers l'anglais a doublé au cours du présent exercice. Par ailleurs, une directive prévoit que tous les documents peuvent être soumis au comité de direction ministérielle dans la langue officielle de l'auteur.

Dans le domaine de l'administration financière, l'offre de services bilingues reste faible. De même, en dépit de la diffusion de la brochure du Conseil du Trésor sur la présidence des réunions bilingues, deux présentations s'adressant au personnel de l'administration centrale, sur la politique de sécurité et l'accès à l'information, se sont tenues en anglais, un recul par rapport aux années précédentes. Toutefois, les services administratifs et du personnel sont généralement dispensés dans les deux langues. Signalons l'amélioration de la capacité linguistique du groupe de vérification interne à la suite d'affectations temporaires à cette unité.

Les communications destinées à l'ensemble des régions sont faites dans les deux langues. Les notes de service, les directives, les circulaires et les bulletins sont également bilingues, de même que les manuels, sauf en informatique. Cependant, le Ministère a effectué, dans ce dernier domaine, une évaluation exhaustive de sa situation et de ses besoins futurs en matière de bilinguisme et a annoncé la mise en œuvre de certaines recommandations. Ainsi, il verra à instaurer le bilinguisme dès l'acquisition des systèmes ou de leur élaboration.

Au cours de l'année, le taux de participation des Canadiens d'expression française a augmenté de 1,5 p. 100 et atteint maintenant 33,3 p. 100 au sein du Ministère (826 sur 2 478), ce qui semble refléter la répartition de l'effectif du Ministère modifié, ainsi que son mandat. En 1988, 139 francophones ont été nommés à des postes (39,6 p. 100 des 351 nominations). Malheureusement, la plupart de ceux-ci se trouvent dans les catégories du soutien technique et administratif où la participation des employés francophones est déjà excessivement élevée, soit plus de 40 p. 100. Par contre, dans la catégorie Gestion, on ne compte que 52 francophones sur 241 gestionnaires (21,6 p. 100). Du point de vue régional, on remarque la pénurie des anglophones au Québec, soit 17 sur 308 (5,5 p. 100) et le nombre élevé d'employés francophones au Nouveau-Brunswick, soit 38 sur 76 (50 p. 100).

Quelques aspects de la mise en œuvre du programme commencent à présenter des faiblesses. Par exemple, l'approbation et la diffusion de la nouvelle politique ministérielle portant sur la *Loi sur les langues officielles* de 1988, se font

attendre, et par conséquent, l'information sur le programme mise à la disposition des gestionnaires en souffre. Des contrôles ne sont effectués que pour les aspects structurels ou administratifs du programme, comme les données sur l'identification des postes, la formation linguistique, l'administration des tests et la participation équitable. Le programme des langues officielles ne fait toujours pas partie de la vérification interne. Seulement quatre employés sont affectés à temps plein à la gestion du programme des langues officielles, ce qui rend difficile la tenue d'activités d'information et de consultation des gestionnaires et des employés, nécessaires à la suite de l'adoption de la *Loi sur les langues officielles* de 1988.

Au cours de l'année, nous avons reçu sept plaintes contre le Ministère, trois de plus qu'en 1987. On nous accorde toute la collaboration voulue au règlement de ces dossiers.

Gendarmerie royale du Canada*

L'actuel Commissaire de la Gendarmerie royale du Canada (GRC) est entré en fonction en septembre 1987 et a exprimé sa ferme intention de promouvoir le respect de la *Loi sur les langues officielles*. En 1988, la GRC a donc abordé la question des langues officielles de façon constante, de sorte qu'elle a évité les changements de politiques et de programmes qui ont causé tant de problèmes dans le passé. Le niveau de bilinguisme des membres de la GRC augmente peu à peu, grâce au recrutement d'employés bilingues ainsi qu'à un important programme de formation linguistique. Néanmoins, le français est encore peu utilisé comme langue de travail à l'administration centrale, principalement en raison du bilinguisme insuffisant des surveillants et de l'emploi généralisé des systèmes informatiques qui fonctionnent surtout en anglais. Par contre, la participation entre les francophones et les anglophones est de plus en plus équilibrée, et les deux groupes continuent d'avoir des chances égales d'emploi.

La GRC devra se doter d'une capacité linguistique en français plus que minimale si elle veut être en mesure de s'acquitter de ses obligations en vertu de la *Loi sur les langues officielles* de 1988. Puisqu'elle assure un service de police aux paliers fédéral, provincial et municipal, elle doit pouvoir communiquer dans les deux langues officielles pour des raisons de sécurité ou de protection du public ou lorsque la vocation de ses bureaux ou de ses installations l'exige. Le besoin pour des services en français est d'autant plus grand que ses membres sont fréquemment mutés d'une région à l'autre. La GRC compte sur les effets à long terme de deux programmes pour améliorer son niveau de bilinguisme : le recrutement de candidats bilingues et un important programme de formation linguistique pour toutes les recrues unilingues.

En 1987-1988, 41 p. 100 des gendarmes recrutés étaient bilingues, par rapport à 36 p. 100 en 1986-1987. En outre, le Programme de formation linguistique pour les cadets prévoit une formation de 200 heures dans la langue seconde pour

toutes les recrues unilingues, avant le début de leur formation policière. Ceux qui ont des aptitudes pour la langue seconde peuvent poursuivre leur formation linguistique jusqu'au niveau intermédiaire.

Manifestement, la GRC doit accorder la priorité aux gendarmes. Toutefois, elle ferait bien d'attacher plus d'importance aux connaissances linguistiques de ses fonctionnaires qui, pour la plupart, occupent des postes de la catégorie Soutien administratif, puisque c'est souvent avec eux que le public effectue le premier contact. Les plaintes que nous avons reçues révèlent que beaucoup de ces fonctionnaires ont du mal à offrir activement le service dans les deux langues et à donner suite aux demandes. En outre, 22 p. 100 seulement de ces postes sont désignés bilingues, et la plupart d'entre eux sont à l'administration centrale. La GRC n'exige le bilinguisme pour aucun de ses postes de fonctionnaire en Colombie-Britannique, en Alberta, au Yukon et dans les Territoires du Nord-Ouest. La situation se complique du fait qu'un grand nombre de réceptionnistes et de secrétaires travaillant pour la GRC sont des fonctionnaires des provinces et des municipalités auxquelles la Gendarmerie fournit ses services de police à contrat. La GRC étudie la possibilité d'ajouter à ses contrats, avec les autres paliers de gouvernement, une clause prévoyant le respect de la politique linguistique fédérale.

Au Nouveau-Brunswick et dans les régions bilingues du Québec et du nord-est de l'Ontario, la GRC réussit assez facilement à servir le public dans les deux langues. Dans toutes les régions, les bureaux situés dans des secteurs où la demande pour des services dans la langue officielle minoritaire est importante sont tenus de désigner bilingue un certain pourcentage de leurs postes. Les secteurs « où la demande est importante » comprennent toutes les régions où la minorité de langue officielle représente au moins 500 personnes (ou plus de 5 p. 100 de la population totale), ainsi que les secteurs très fréquentés par le public voyageur, comme l'autoroute transcanadienne.

Globalement, la capacité bilingue de la GRC n'est pas suffisante pour répondre aux exigences, puisqu'elle ne compte que 3 700 membres bilingues (22 p. 100) sur 16 834. Les quatre cinquièmes des membres bilingues sont affectés à l'administration centrale ou dans les régions bilingues, de sorte qu'il ne reste que 807 membres bilingues pour assurer le service dans les quatre provinces de l'Ouest, au Yukon, aux Territoires du Nord-Ouest, à Terre-Neuve, à l'Île-du-Prince-Édouard et en Nouvelle-Écosse. La grande majorité des membres affectés dans ces régions étant unilingues, il importe de mettre au point des mesures permettant de diriger le public vers d'autres sources de service. Malheureusement, les plaintes portées contre des agents unilingues assurant la patrouille routière révèlent que les mesures prises pour fournir le service en français sont compliquées et ne sont pas toujours suivies.

Le français est à peu près inutilisé comme langue de travail à l'extérieur du Québec et dans certaines parties du Nouveau-Brunswick. Notre vérification à

l'administration centrale, en 1988, nous a permis de constater que certains services centraux avaient du mal à communiquer en français avec les régions. La Direction des services de santé n'a toujours pas de membre bilingue, bien que la capacité linguistique des fonctionnaires de ce service soit élevée. C'est un problème grave, compte tenu de la politique de la GRC selon laquelle les services de santé doivent être dispensés aux membres dans les deux langues officielles, partout au Canada. En outre, le Bureau de l'Administration supérieure des affaires financières n'a que trois membres bilingues sur 26 ; toutefois, il a pris des mesures pour améliorer sa capacité bilingue par le biais de la formation linguistique.

La capacité bilingue des surveillants à l'administration centrale est faible, mais elle continue régulièrement à s'améliorer. Notre vérification a révélé que 53,5 p. 100 des surveillants titulaires de postes bilingues satisfaisaient aux exigences linguistiques de leur poste ; chez les membres réguliers, le pourcentage correspondant est de 49 p. 100. C'est une amélioration sensible (de 11 p. 100 pour l'ensemble de l'effectif et de 18 p. 100 pour celui des membres réguliers) par rapport aux résultats de notre vérification de 1984. Néanmoins, le fait que près de la moitié des surveillants ne répondent pas aux exigences linguistiques continue d'être un obstacle majeur à une plus grande utilisation du français à l'administration centrale.

Nous avons des réserves à l'égard de la décision prise récemment par la GRC d'appliquer au domaine de la langue de travail, un système conçu avant tout pour déterminer les exigences linguistiques requises afin d'assurer le service dans les régions unilingues. En vertu de ce système, un certain pourcentage de postes de surveillance dans les régions bilingues nécessitent une connaissance des deux langues ; les titulaires de ces postes doivent donc encadrer dans la langue de la minorité tous les employés qui en ont besoin. Il reste que, dans la pratique, les employés communiquent avec leurs surveillants dans la langue de ces derniers. Comme la *Loi sur les langues officielles* de 1988 précise clairement que les employés des régions bilingues ont le droit de travailler dans leur langue d'élection, la GRC devrait suivre de près l'évolution de sa politique dans ce domaine. L'an prochain, elle présentera au Conseil du Trésor un rapport sur les résultats de cette initiative, et elle devra en profiter pour étudier de façon détaillée les problèmes relatifs à la surveillance.

Par ailleurs, la GRC fait un grand usage de systèmes informatiques qui fonctionnent principalement en anglais, ce qui empêche l'utilisation du français au travail. La Direction de l'informatique, qui assure un service de soutien fonctionnel pour la plupart des systèmes, a une capacité bilingue inférieure à 10 p. 100 (57 des 642 employés à Ottawa). Les manuels et la formation en informatique sont habituellement disponibles en anglais d'abord, la version française suit, quand il y en a une. Au moins une des grandes banques de données utilisées par les forces policières du Canada et coordonnée par la GRC est unilingue anglaise. Cela

signifie que, si un corps policier du Québec lui envoie un rapport en français, il devra être traduit avant d'être versé dans la banque de données. Par la suite, si un autre corps policier du Québec voulait avoir le rapport en français, il faudrait le retraduire. Nous avons signalé cette situation à la Gendarmerie et nous attendons sa réponse.

La principale mesure prise en 1988 pour promouvoir l'usage des deux langues officielles dans le milieu de travail a été la mise en œuvre d'une politique qui consiste à offrir aux recrues leur formation de base dans leur langue d'élection. Deux des 23 troupes recrutées cette année ont reçu toute leur formation en français, et deux autres l'ont obtenue dans les deux langues officielles.

Par ailleurs, la GRC augmente son pourcentage de membres francophones tout en respectant son engagement de recruter une importante proportion de ses membres dans l'Ouest, où est concentré la plupart de son effectif. En 1987-1988, 30,3 p. 100 des membres réguliers recrutés étaient des francophones, ce qui a porté leur taux de participation de 15,3 p. 100 l'an dernier, à 15,8 p. 100.

La GRC s'est fixé un objectif de 20,8 p. 100 de francophones pour ses membres réguliers ; elle peut s'attendre à l'atteindre d'ici sept ans. La participation des francophones chez les gendarmes spéciaux est plus élevée (582 sur 1 732, soit 33,6 p. 100), ce qui n'est pas surprenant puisque beaucoup sont recrutés et affectés dans la région de la Capitale nationale. Globalement, 17,8 p. 100 des membres de la GRC sont francophones.

La Gendarmerie a déployé ses membres au Canada de façon à refléter la répartition linguistique de la population locale. Dans chaque province, la proportion de membres du groupe minoritaire de langue officielle égale ou dépasse le pourcentage équivalent dans la population locale. Au Québec, 26 p. 100 des membres sont anglophones, alors que 45 p. 100 des membres au Nouveau-Brunswick sont francophones.

Les gestionnaires sont tous responsables de la gestion de la majorité des aspects du programme des langues officielles, y compris la détermination des exigences linguistiques de leurs unités. Toutefois, les membres nous ont signalé que cette approche a entraîné des contradictions dans la gestion du programme.

Les vérificateurs internes de la GRC ont pris l'heureuse initiative de rencontrer désormais des représentants des minorités de langue officielle pour voir si le service bilingue est disponible et activement offert. En outre, dans la plupart des provinces, le personnel entretient des contacts réguliers avec les groupes minoritaires de langue officielle pour résoudre les problèmes au fur et à mesure qu'ils se présentent.

En 1988, nous avons reçu 32 plaintes contre la GRC, six de moins qu'en 1987. Seize d'entre elles portaient sur le service au public, dont près de la moitié

avaient trait à l'accueil téléphonique, et cinq concernaient des contacts directs entre des membres de la GRC et des citoyens, le plus souvent dans le contexte de la patrouille routière. Sept plaintes ont été portées par des membres de la GRC au sujet de la langue de travail ; la plupart déploraient le fait que des documents internes aient été distribués en anglais seulement dans des régions bilingues. Enfin, neuf plaintes touchaient la gestion du programme et la participation équitable.

Justice

Le ministère de la Justice a une fois de plus démontré la grande importance qu'il accorde au maintien d'un solide programme des langues officielles. La révision des exigences linguistiques des postes, qu'il a réalisée en 1987, l'a amené à élaborer un plan exhaustif de formation linguistique. Il a aussi pris des mesures pour accroître le degré de responsabilité des gestionnaires à l'égard des langues officielles. Par ailleurs, il a procédé à une analyse méticuleuse de la capacité bilingue des services de contentieux et entrepris un sondage sur la langue de travail dans tous les contentieux des ministères et organismes de la région de la Capitale nationale. De plus, il a haussé le niveau de bilinguisme des légistes. Enfin, le Ministère s'efforce de corriger les écarts des taux de participation dans certains de ses bureaux régionaux.

Le Ministère est parfaitement capable d'offrir tous ses services dans les deux langues : 54,9 p. 100 des postes (881 sur 1 605) sont bilingues, et une impressionnante proportion (93 p. 100) des titulaires satisfont aux exigences linguistiques de leur poste. Chose plus impressionnante encore, 486 des postes bilingues (55,2 p. 100) exigent une compétence linguistique de niveau supérieur, par rapport à 390 en 1987. La capacité bilingue est désormais bonne dans les neuf bureaux régionaux, y compris celui de Whitehorse, qui a maintenant un avocat bilingue. Les autres bureaux régionaux disposent tous d'au moins deux conseillers juridiques bilingues.

La capacité bilingue des 40 services de contentieux, situés dans les diverses institutions auxquelles le Ministère fournit ce service, s'est améliorée. En 1988, seulement quatre de ces services avaient une capacité bilingue inférieure à 30 p. 100 (par rapport à huit en 1987), et la proportion globale des avocats bilingues a augmenté considérablement, passant de 53,4 p. 100 en 1987 à 58,2 p. 100 en 1988. Enfin, 88,5 p. 100 des titulaires des 175 postes bilingues de conseillers juridiques satisfont aux exigences linguistiques de leur poste.

Le Ministère s'est doté d'un bon plan de formation linguistique pour 150 conseillers juridiques et près de 100 employés de soutien ; ce plan sera mis en œuvre au cours des cinq prochaines années.

Les surveillants bilingues sont indispensables pour permettre un usage équitable des deux langues officielles au travail ; le Ministère s'est d'ailleurs amélioré à

cet égard. En 1988, 86,5 p. 100 de ses surveillants répondaient aux exigences linguistiques de leur poste, comparativement à près de 85 p. 100 en 1987, et l'on exigeait le niveau supérieur de compétence linguistique pour 97 (50 p. 100) des postes de surveillant, par rapport à 86 (46 p. 100) en 1987. Le niveau de bilinguisme chez les surveillants est tel que les employés de nombreux secteurs du Ministère peuvent facilement rédiger dans leur langue d'élection et s'exprimer en français durant les réunions. De plus, les instruments de travail (y compris les logiciels informatiques) sont bilingues, de même que les services centraux et du personnel.

À l'heure actuelle, la plupart des projets de loi sont encore conçus et rédigés en anglais, surtout parce que les discussions préliminaires avec les ministères clients se déroulent habituellement dans cette langue. Le Ministère a pris des mesures, comme il avait déclaré en avoir l'intention, pour favoriser une plus grande utilisation du français dans ce domaine. Le sous-ministre a demandé aux institutions clientes de désigner des spécialistes capables de donner des instructions et des conseils pratiques en français aux légistes. Tous les postes de la Direction de la planification des programmes législatifs seront désignés bilingues d'ici 1991 ; en outre, pour dix postes, le niveau de compétence exigé dans la langue seconde passera d'intermédiaire à supérieur. Ces mesures ne porteront sans doute pas fruit avant un certain temps, mais il s'agit assurément d'un pas en avant.

La participation des deux groupes linguistiques demeure à peu près inchangée par rapport à l'année dernière. Les anglophones forment 67,7 p. 100 de l'effectif et les francophones 34,3 p. 100, ce qui est un peu trop élevé. La composition linguistique de l'effectif des différentes catégories d'emploi est généralement équilibrée, sauf dans les catégories Soutien administratif et Administration et service extérieur, qui comportent respectivement 41 p. 100 et 44 p. 100 de francophones. En outre, seulement 7 p. 100 de l'effectif au Québec est anglophone, mais il n'y a que 12 francophones dans les huit autres bureaux régionaux réunis. Le Ministère s'occupe de remédier à ce déséquilibre et prendra des mesures appropriées.

Le programme des langues officielles du Ministère est bien géré. Les objectifs linguistiques sont intégrés aux plans opérationnels, et les gestionnaires et surveillants sont tenus de soumettre à un comité de cadres supérieurs des rapports portant notamment sur la façon dont la demande de services a été évaluée et sur les méthodes utilisées pour y répondre.

Nous avons reçu trois plaintes contre le Ministère en 1988, six de moins que l'an dernier. Elles avaient trait à divers aspects de la langue de service, comme des traductions de piètre qualité, un commissionnaire unilingue et des communiqués publiés en anglais seulement. Les trois plaintes ont été réglées.

Marine Atlantique*

En 1988, la Société Marine Atlantique aura connu une période de renouveau et de planification dans le but de régulariser sa situation linguistique. Même si la Société est loin d'avoir atteint le niveau de service bilingue auquel le public est en droit de s'attendre, elle a enfin jeté les bases d'une structure qui devrait lui permettre de mieux respecter l'égalité de statut des deux langues officielles. Malgré de modestes progrès, le taux de participation des Canadiens d'expression française au sein de l'effectif demeure encore inacceptable, et le français — il s'en suit — n'a pas la place qui lui revient à titre de langue de travail.

C'est au chapitre de l'administration de son programme des langues officielles que Marine Atlantique compte le plus de réalisations cette année. En effet, son plan d'action quinquennal, auquel tous les secteurs opérationnels ont contribué, présente des objectifs précis, des modalités d'action et des échéances et décrit l'attribution des responsabilités. De plus, la Société a embauché à plein temps un directeur des langues officielles qui relève directement du Président. La structure nous semble maintenant bien en place et il ne reste à Marine Atlantique qu'à procéder à une mise en œuvre soutenue de mesures propres à assurer en tout temps aux voyageurs des services de qualité égale dans les deux langues officielles.

Dans le domaine de la langue de service, Marine Atlantique a légèrement accru le nombre de ses postes désignés bilingues : on en retrouve maintenant 75, soit dix de plus que l'an dernier. Cependant, la plupart de ces postes sont saisonniers et leur proportion est encore trop réduite pour assurer la prestation de services permanents en français et en anglais dans toutes ses opérations. Nous espérons que cette modeste augmentation marque le début d'un programme visant à offrir en tout temps aux voyageurs des services bilingues à bord des traversiers et dans les gares maritimes.

À l'exception du service des réservations RESMAR, qui offre systématiquement aux clients la possibilité d'utiliser la langue officielle de leur choix, le précepte de l'offre active n'est respecté que par un petit nombre de préposés. Néanmoins, pendant la saison estivale, quelques employés bilingues portaient des macarons les identifiant ainsi. Nous encourageons la Société à étendre cette pratique.

Marine Atlantique s'est bien acquittée de ses obligations en ce qui concerne l'affichage, les documents destinés au public ainsi que les annonces préenregistrées à bord des navires et dans les gares maritimes. La Société a préparé des directives réglementant ces champs d'activités et elle effectue régulièrement des vérifications afin d'en assurer la mise en œuvre. En ce qui a trait aux annonces impromptues, les préposés unilingues peuvent recourir, durant la haute saison, aux directeurs d'activités et aux agents du service à la clientèle, qui sont des employés surnuméraires bilingues embauchés pour l'été, afin de diffuser la version française des messages. Durant les autres saisons, les employés peuvent

se référer au répertoire préparé par Marine Atlantique, à condition qu'ils puissent s'exprimer en français. Un programme de formation linguistique adapté à la réalité opérationnelle de la Société et à ses employés rendrait plus efficaces les initiatives de la gestion à cet égard.

Depuis sa création, l'organisme ne reconnaissait que l'anglais à titre de langue de travail, alléguant à la défense de cette pratique restrictive la nature et la situation géographique de ses opérations de même que la composition linguistique de son personnel. Suite à l'entrée en vigueur de la *Loi sur les langues officielles* de 1988, Marine Atlantique est maintenant tenue de modifier ses pratiques et de prendre les mesures nécessaires afin d'assurer à ses employés le droit d'utiliser le français comme langue de travail dans ses locaux du Nouveau-Brunswick, notamment à son administration centrale à Moncton. À ce sujet, mentionnons que la Société vient de mettre sur pied un cours de français pour les cadres de son administration centrale.

La Société compte 17 employés d'expression française de plus que l'an dernier pour un total de 111 (3,5 p. 100) sur 3 190 employés ; ce qui à notre avis est insatisfaisant. En particulier, la haute direction ne compte qu'un seul cadre d'expression française ; ceci illustre bien le problème endémique de la participation des Canadiens d'expression française dans cet organisme. Marine Atlantique se doit d'établir un plan de redressement afin de mieux refléter, au sein de son personnel, la présence des deux collectivités de langue officielle qui habitent les régions et les localités desservies par la Société. Tel est le cas à Moncton, site de son administration centrale, où les employés d'expression française ne représentent que 13,2 p. 100 de l'effectif.

En 1988, 37 plaintes furent portées contre Marine Atlantique, comparativement à 43 l'an dernier. De ce nombre, 13 soulignaient l'absence de service en français dans les gares maritimes et dix mettaient en cause les services à bord des traversiers.

Musées nationaux

L'organisation des Musées nationaux du Canada a subi d'importants changements depuis notre dernière évaluation, en 1986. La passation des pouvoirs de la Corporation aux quatre musées est désormais une réalité de fait, mais non de droit. Les dirigeants des Musées s'attendent à ce que le processus législatif, qui fera de chaque musée une société d'État autonome, sera terminé d'ici avril 1989 ; la Corporation des musées nationaux sera alors officiellement dissoute. Compte tenu de cette nouvelle réalité, nous traiterons chaque musée séparément.

Le **Musée des beaux-arts du Canada** a survécu à l'excitation des cérémonies d'ouverture du magnifique nouvel édifice. Dans l'ensemble, il a fourni des services bilingues de qualité à ses nombreux visiteurs. La majorité des

176 employés bilingues du Musée (sur un effectif de 259) ont une compétence linguistique de niveau intermédiaire, ce qu'il juge suffisant pour ses fins. Les services de sécurité et de restauration sont assurés par des entreprises privées dont les contrats comportent des obligations en matière de langues officielles ; la qualité linguistique est régulièrement contrôlée par un cadre supérieur.

En matière de langue de travail, le Musée a pris des mesures afin de sensibiliser ses cadres grâce à un *Guide du gestionnaire* décrivant leurs obligations linguistiques. Environ 75 p. 100 des cadres occupant des postes bilingues répondent aux exigences linguistiques de leur poste, pour la plupart fixées au niveau intermédiaire seulement. À notre avis, il faut exiger un niveau supérieur pour la grande majorité des surveillants afin qu'ils fonctionnent efficacement dans les deux langues, et nous pressons le Musée de hausser ces exigences. La formation linguistique, suspendue durant la période de déménagement, reprend de plus belle. À cet égard, le Musée pourrait commencer par la Division des services techniques, où l'usage du français est à peu près inexistant en raison du manque de surveillants bilingues.

Les francophones représentent une proportion relativement élevée (34 p. 100) de l'effectif. Néanmoins, le Musée devra augmenter leur taux de participation dans les catégories Technique (15 p. 100) et Scientifiques et spécialistes (18,5 p. 100), ainsi que celui des anglophones dans la catégorie Administration et service extérieur (61 p. 100).

Le programme des langues officielles du Musée est administré grâce à un système de lettres d'entente entre la directrice et les cadres supérieurs, qui sont tenus responsables de leur rendement à cet égard.

En 1988, le Musée a fait l'objet de 18 plaintes, dont une sur la langue de travail et une deuxième sur l'administration du programme. Les autres portaient sur divers aspects de la langue de service, comme les guides, les gardes de sécurité, la publicité, le restaurant et la librairie. La plupart d'entre elles datent de l'ouverture du nouvel édifice et de l'été très affairé qui a suivi. Toutes ont été rapidement réglées.

Le **Musée canadien des civilisations** prépare soigneusement tous les détails — et même les détails linguistiques — de son déménagement à Hull, où il compte ouvrir son nouvel édifice en juin 1989.

Les services du Musée proprement dits sont généralement offerts en français et en anglais. Pour assurer la prestation de services dans les deux langues, le Musée affecte uniquement des employés répondant aux exigences linguistiques aux postes qui exigent un contact avec le public. En outre, il est en train de prendre des mesures pour hausser le niveau général de connaissance du français de son personnel, en demandant à ses employés bilingues d'aider leurs collègues à pratiquer cette langue.

Les services centraux et du personnel sont offerts aux employés en français et en anglais, et les instruments de travail sont bilingues. Toutefois, certains francophones continuent à éprouver de la difficulté à travailler dans leur langue, en raison du petit nombre de surveillants bilingues dans les secteurs scientifiques et techniques. Par contre, tous les cadres doivent maintenant atteindre le niveau supérieur de compétence en langue seconde pour la lecture et l'expression orale, ce qui devrait améliorer la situation.

La dissolution de la Corporation des musées nationaux a probablement influé sur le fort taux de participation des francophones au Musée, qui s'établit à 39,9 p. 100 (143 sur 358). En effet, un grand nombre d'employés d'expression française ont décidé de travailler à ce musée en raison de son nouvel emplacement à Hull. La présence des francophones s'est nettement améliorée au sein de la haute gestion : alors qu'il n'y en avait aucun en 1987, ils forment maintenant quatre des sept membres. Le Musée n'a pu nous fournir des statistiques sur les taux de participation selon les différentes catégories d'emploi à cause du travail énorme qu'il a eu à accomplir en vue de son ouverture en 1989.

Le programme des langues officielles est administré grâce à des lettres d'entente entre le directeur et les cadres. Tous les postes de surveillance et de services au public exigent le niveau supérieur de connaissance de la langue seconde. Toutes les procédures de dotation sont révisées en fonction des lettres d'entente conçues à cet égard. Le directeur des langues officielles des Musées nationaux assurera la continuité de la gestion du programme afin de veiller à ce qu'un service bilingue soit disponible dès l'ouverture du Musée.

En 1988, le Musée a fait l'objet de cinq plaintes. Elles avaient trait à l'accueil téléphonique, aux affiches de présentation d'expositions, à un communiqué, à un discours et à des publications. Toutes ont été réglées avant la fin de l'année.

Le **Musée national des sciences naturelles** ne déménagera pas, mais il occupera l'autre moitié de l'Édifice commémoratif Victoria, libérée par le Musée canadien des civilisations.

Le Musée offre activement ses services en français et en anglais. Ainsi, l'affichage et l'accueil, au téléphone et en personne, sont bilingues. La correspondance est envoyée dans la langue du client et les publications à l'intention des visiteurs sont, pour la plupart, dans les deux langues. Plus de la moitié des 212 employés du Musée sont bilingues et le nombre de postes n'exigeant qu'une connaissance élémentaire de la langue seconde a baissé ; c'est un pas dans la bonne direction.

Règle générale, le milieu de travail est favorable à l'usage des deux langues officielles. Le Comité de gestion du Musée donne le ton en tenant ses réunions dans les deux langues. Toutefois, dans la catégorie Scientifiques et spécialistes, le

petit nombre de scientifiques francophones rend quasi impossible l'usage du français comme langue de travail. Les services centraux et du personnel, les cours et les instruments de travail sont disponibles dans les deux langues, mais certains logiciels informatiques et manuels connexes n'existent qu'en anglais.

Cinquante-huit des 212 employés du Musée (27,4 p. 100) sont francophones, ce qui est acceptable, mais la participation de ces derniers est beaucoup trop faible chez les Scientifiques et spécialistes (3 employés sur 40, soit 7,5 p. 100) et dans la catégorie Technique (13 sur 63, soit 20,6 p. 100).

La gestion du programme des langues officielles repose sur des lettres d'entente. En outre, les cadres doivent produire des rapports trimestriels sur la situation linguistique de leur secteur ; le mécanisme permet un suivi efficace.

En 1988, le Musée a fait l'objet d'une seule plainte qui portait sur les aspects unilingues d'une exposition prêtée par une institution américaine.

Le **Musée national des sciences et de la technologie** ne déménagera pas, lui non plus, et ses locaux ne seront pas agrandis, mais il subit certaines perturbations en raison d'une importante réorganisation. Cela ne l'a toutefois pas empêché de fournir des services bilingues de qualité aux 900 000 visiteurs qu'il a accueillis en 1988, et dont la moitié au moins étaient francophones.

L'affichage, l'accueil téléphonique et les services de sécurité sont bilingues, comme la plupart des publications. Cependant, en juin dernier, date de l'ouverture du Musée, seule la version anglaise de l'ouvrage sur le Musée canadien de l'aviation a pu être mise en vente. Ce n'est que quelque quatre mois plus tard que la version française fit son apparition en librairie. Le Musée devra mieux planifier la publication d'ouvrages comme celui-là, qui devraient être disponibles simultanément dans les deux langues conformément à sa propre politique.

Les cadres et les surveillants sont tenus d'atteindre le niveau supérieur pour la lecture et l'expression orale. On compte au Musée 175 postes occupés dont 87 sont désignés bilingues. Soixante-quinze titulaires de ces postes répondent aux exigences linguistiques et ce, avec un niveau de connaissance intermédiaire de leur langue seconde.

En principe, les employés peuvent rédiger des documents dans la langue officielle de leur choix. Dans les faits, la rédaction en français est pratique peu courante. Malgré tout, le Musée a entrepris, dès la fin de 1988, de rédiger conjointement dans les deux langues ses nouvelles procédures et politiques administratives. Le Comité de gestion du Musée donne l'exemple en tenant ses réunions dans les deux langues. Enfin, les services centraux et du personnel, de même que les instruments de travail (sauf certains manuels d'informatique) sont disponibles en français et en anglais.

La participation des francophones est manifestement élevée (68 employés sur 175, soit 38,9 p. 100). On n'a pu nous fournir de données sur le taux de participation dans les différentes catégories d'emploi.

Comme ses trois homologues, le Musée national des sciences et de la technologie gère son programme des langues officielles grâce à des lettres d'entente entre le directeur et les cadres qui rendent compte périodiquement des progrès accomplis. Toutefois, les objectifs en matière de langues officielles ne sont pas encore intégrés aux plans opérationnels.

Trois plaintes ont été portées contre le Musée en 1988. Toutes concernaient le service au public. Dans chaque cas, le Musée a réagi rapidement et a bien collaboré.

Office national de l'énergie

Même si la situation linguistique à l'Office national de l'énergie ne s'est pas beaucoup améliorée depuis notre dernière vérification en 1984, les efforts fournis en 1988 en vue d'instaurer une réforme du régime linguistique en profondeur démontrent qu'il fait preuve de leadership et de bonne volonté. D'importants problèmes persistent dont, entre autres, la faible participation de Canadiens d'expression française aux échelons supérieurs et la sous-utilisation du français au travail.

L'Office emploie tous les moyens à sa disposition pour faire connaître la disponibilité du service dans les deux langues officielles. De plus, il vérifie périodiquement l'accueil téléphonique afin de s'assurer qu'il est conforme à sa politique. Une enquête effectuée cette année a révélé que la clientèle était très satisfaite des services bilingues offerts par l'Office, ainsi que de la disponibilité et de la qualité des documents et autre matériel visuel. Toutefois, les clients souhaiteraient que le service en personne soit amélioré et que l'on encourage l'utilisation des deux langues officielles durant les audiences publiques. D'ailleurs, même si 91 p. 100 des 181 employés qui occupent des postes bilingues satisfont aux exigences linguistiques de leur poste, nous croyons qu'il serait souhaitable de rehausser ces exigences. L'Office s'emploie actuellement à cette tâche.

D'autre part, la situation de la langue française au travail cause un certain nombre de difficultés. Les employés francophones sont peu enclins à utiliser leur langue première au travail et durant les réunions, en raison de la présence de surveillants et de collègues d'expression anglaise qui n'ont pas une connaissance suffisante du français parlé pour assurer un échange efficace d'information. L'Office a élaboré un plan de rehaussement des profils et des exigences linguistiques de ses postes qui, nous l'espérons, contribuera à redresser cette situation. De plus, il s'efforce de veiller à ce que tous les employés obtiennent les services

centraux et du personnel, les évaluations de rendement, la formation professionnelle et les instruments de travail dans la langue de leur choix.

La participation globale des deux groupes linguistiques se chiffre à 27,2 p. 100 de Canadiens d'expression française et 72,8 p. 100 de Canadiens d'expression anglaise parmi 329 employés, tous situés dans la région de la Capitale nationale, à l'exception de 13 employés en Alberta. Si ces taux semblent de prime abord acceptables, le déséquilibre de leur distribution parmi les différentes catégories inquiète. En effet, il n'y a qu'un employé francophone dans la catégorie Gestion et que 16,8 p. 100 parmi la catégorie Scientifiques et spécialistes.

La gestion du programme des langues officielles à l'Office national de l'énergie est intégrée à la gestion opérationnelle. Chaque direction possède son plan sectoriel et les gestionnaires en sont tenus responsables. Les contrôles exercés par les responsables du programme, de même que les mesures prises en vue de corriger certaines anomalies, ont donné un nouveau dynamisme à la réforme du régime linguistique.

Nous n'avons reçu aucune plainte contre l'Office en 1988.

Pêches et Océans

Le ministère des Pêches et Océans a continué de progresser cette année en matière de langue de service et de participation, en créant de nouveaux postes bilingues et en augmentant la présence de Canadiens d'expression française dans la catégorie Gestion. Le Ministère éprouve cependant encore beaucoup de difficultés à faire du français une langue de travail à part entière.

Le Ministère a fait preuve d'initiative en créant de nouveaux postes bilingues dans les régions du Pacifique, du Centre et de l'Arctique, ainsi qu'à Terre-Neuve. Tous ces postes ont des titulaires bilingues, de sorte que dans la pratique quotidienne du Ministère, le service bilingue y est maintenant assuré et ce, dans les différentes régions du pays. Dans l'ensemble, le nombre de postes bilingues a augmenté de 17,2 à 18,1 p. 100 cette année, mais le pourcentage de titulaires qui satisfont aux exigences linguistiques a considérablement diminué : il est passé de 84,2 p. 100 en 1987 à 80,4 p. 100.

Il n'y a eu aucune évolution marquée de la situation du français au travail à l'administration centrale. La grande décentralisation des activités du Ministère a entraîné une sous-utilisation du français dans la région de la Capitale nationale, d'autant plus que les employés doivent traiter avec des collègues qui travaillent en majorité dans des régions unilingues anglaises. Toutefois, le Ministère a déployé certains efforts en vue de créer un climat plus favorable à l'utilisation du français au travail. Ainsi, à l'administration centrale, il a rehaussé les exigences linguistiques des postes de surveillance et ceux de la catégorie Gestion. Le Ministère a également offert à ses employés de la région du Golfe, de la

formation technique en français grâce à une entente avec ses bureaux de la région du Québec. Il devrait voir à ce qu'une telle entente bénéficie également aux employés d'expression française en dehors des régions du Québec et du Golfe.

En matière de participation, le Ministère compte 952 employés d'expression française sur un total de 5 975 employés (15,9 p. 100), ce qui semble être assez bien équilibré étant donné la distribution de l'effectif du Ministère sur les côtes canadiennes. La participation des gestionnaires francophones est passée de 10,3 à 13,3 p. 100 dans la région de la Capitale nationale alors que pour l'ensemble du Ministère nous en retrouvons 19,1 p. 100 en 1988, comparativement à 14,7 p. 100 en 1987. La participation d'employés francophones est inférieure à 15 p. 100 dans les autres catégories sauf celles du soutien administratif (24 p. 100) et de l'administration et service extérieur (23 p. 100). Le Ministère a fait des efforts particuliers auprès des communautés scientifiques et universitaires d'expression française dans le but de leur démontrer qu'il y avait des possibilités de carrière au Ministère. Ces efforts ont connu certains succès.

Pêches et Océans s'est doté d'un système de gestion du programme des langues officielles dont le plan d'action et les mesures de contrôle paraissent adéquats. Les gestionnaires sont informés régulièrement des objectifs qu'ils doivent atteindre en matière de langues officielles et sont appelés à participer activement à leur élaboration par la rédaction de plans de travail.

Nous avons reçu 15 plaintes contre le Ministère en 1988, comparativement à 29 en 1987. Toutes sauf une, avaient trait à la langue de service. L'autre plainte portait sur un document de travail unilingue anglais.

Pétro-Canada

En 1988, Pétro-Canada a poursuivi son cheminement en matière de langues officielles mais son rythme, quoique constant, s'est avéré lent. Une attention accrue à la gestion de son programme, notamment en ce qui touche la coordination et les contrôles, pourrait accélérer la mise en œuvre des mesures requises tant au niveau du service au public que de la langue de travail et de la participation.

Au chapitre du service au public, la Société a marqué des points avec l'utilisation des deux langues officielles dans ses nouveaux programmes de commercialisation. En effet, la campagne au sujet d'un nouveau type d'essence a été préparée et lancée parallèlement en français et en anglais. Il en a été de même pour la mise en place d'un système d'autorisation du crédit qui imprime des reçus bilingues. De plus, l'annonce de son programme Pros-du-vélo ainsi que la distribution des trousses d'information dans les écoles ont été effectuées dans les deux langues. Soulignons également au nombre des réalisations, l'excellente capacité du Service du crédit de traiter avec les clients dans la langue de leur choix, de même que les subventions accordées par Pétro-Canada aux associa-

tions sociales, culturelles et sportives des deux communautés de langue officielle. Mentionnons enfin que dans le cadre de ses activités de commandite du Relais du flambeau des XV[e] Jeux olympiques d'hiver, la Société s'est préoccupée de rejoindre les deux groupes linguistiques.

La Société compte maintenant 652 stations-service désignées pour affichage bilingue, soit 18,9 p. 100 de son réseau. L'affichage bilingue dans une station-service ne garantit toutefois pas un service en personne dans les deux langues. Afin de pallier cette anomalie, l'organisme a distribué aux employés de ses stations-service « bilingues », un livret de même qu'une cassette audio présentant des phrases usuelles dans les deux langues officielles. En outre, Pétro-Canada a mis à la disposition de ses clients un service téléphonique sans frais afin de leur permettre d'obtenir partout au Canada des renseignements dans la langue officielle de leur choix. Cependant, contrairement à nos attentes et malgré une étude effectuée à cet effet, la Société n'a pas encore élargi ses critères servant à désigner les établissements où l'affichage doit être bilingue. Elle continue plutôt à réserver l'affichage bilingue aux communautés où la minorité de langue officielle compte pour au moins 10 p. 100 de la population, tandis que nous aurions espéré une réduction du seuil à 5 p. 100. Même au Nouveau-Brunswick, province officiellement bilingue, on ne trouve que 53 stations-service sur 84 (soit 63,1 p. 100) où l'affichage est dans les deux langues.

En ce qui a trait à la langue de travail, Pétro-Canada — comme par le passé — n'était pas en mesure de nous fournir des données précises sur des éléments aussi importants que la surveillance, les réunions et les évaluations de rendement. La Société a donc principalement déployé ses efforts à rendre bilingues ses publications internes, ses instruments de travail et ses activités propres à la formation professionnelle. Là encore, cependant, quelques cours ne sont pas offerts en français et nous ne connaissons que trois de ses systèmes informatisés qui soient bilingues. Pétro-Canada devrait accorder une attention toute spéciale aux services du personnel et administratifs qui sont fournis à ses employés dans les régions bilingues afin d'assurer qu'on leur offre toujours le choix d'utiliser l'une ou l'autre langue officielle.

Au plan de la participation, la Société a effectué un nouveau sondage auprès de ses employés. Selon les résultats, il n'y a que 879 employés d'expression française parmi ses 7 308 employés, soit 12 p. 100 de l'effectif. De ces derniers, 705 ou 80,2 p. 100 se trouvent au Québec, alors qu'ils sont totalement absents dans certaines régions du pays. Le déséquilibre continue à la gestion supérieure qui ne compte que 14 employés francophones parmi les 170 cadres (8,2 p. 100). À la gestion intermédiaire, il n'y a que 40 employés d'expression française sur 418 (9,6 p. 100). La Société doit se pencher sur la situation qui existe à la division des Ressources où la présence des francophones ne s'élève qu'à 1,2 p. 100 (17 sur 1 411). Il nous reste à souhaiter que les initiatives de cette année en matière de recrutement universitaire seront maintenues au cours des prochaines

années et qu'elles aideront la Société à rétablir certains déséquilibres dans le domaine de la participation.

L'administration de son programme des langues officielles est un autre domaine auquel Pétro-Canada doit consacrer plus d'énergie. Son plan de mise en œuvre pourrait devenir un outil précieux si une activité de coordination et des mesures de contrôle y étaient intégrées. Des vérifications périodiques des activités linguistiques relevant des gestionnaires permettraient de bien évaluer leur mise en œuvre et de corriger rapidement les problèmes qui se présentent. De plus, le personnel affecté au programme nous semble encore insuffisant. À la fin de l'année, il ne comprenait que le directeur et sa secrétaire à l'administration centrale, de même qu'une employée à Ottawa, chargée des enquêtes relatives aux plaintes.

En 1988, nous avons reçu 24 plaintes mettant en cause Pétro-Canada, comparativement à 32 l'an dernier. Parmi celles-ci, six portaient sur l'affichage dans les stations-service (incluant les inscriptions unilingues sur les pompes), sept sur la publicité commerciale et cinq sur la publicité ayant trait au recrutement. Ces types de plaintes connaissent un règlement lent et difficile. Par contre, les plaintes touchant la correspondance et l'accueil téléphonique sont réglées rapidement.

Radio-Canada

La Société Radio-Canada (SRC) sert généralement bien son public dans la langue officielle de son choix, grâce surtout à la sensibilité de son personnel envers le droit des minorités. Toutefois, depuis plus de deux ans, la gestion de son programme des langues officielles s'est principalement limitée au maintien des acquis même si cette année, nous avons pu obtenir des données statistiques que nous ne pouvions recevoir auparavant. En matière de langue de travail, nous avons constaté certains progrès et la proportion d'employés d'expression française et anglaise demeure en général équilibrée.

Malgré des ressources qu'elle considère insuffisantes, la SRC a décidé de poursuivre le processus de canadianisation de la programmation du réseau anglais de télévision tout en augmentant les fonds alloués pour la production de dramatiques et d'émissions d'information au réseau français. Il est opportun de souligner l'heureuse tendance de la Société de recourir à des reporters bilingues capables de répondre aux besoins journalistiques des deux réseaux. La Société a aussi déployé des efforts non négligeables pour mieux rejoindre les Canadiens d'expression française hors du Québec. Ainsi, une série d'émissions jeunesse est télédiffusée deux heures plus tôt le matin et des projets pilotes pour de courtes émissions prennent l'antenne des stations de radio régionales. Par contre, il n'y a eu aucune extension des moyens techniques permettant à cette minorité linguistique de capter les ondes de la Société. De fait, on nous a de nouveau signalé la mauvaise qualité des ondes de radio et de télévision dans certaines régions du pays.

Quant aux services bilingues d'accueil dans les bureaux de Radio-Canada en région, l'offre active demeure parfois problématique, en dépit des mesures mises en œuvre dans le passé. L'accueil téléphonique est toujours unilingue à Vancouver, Toronto et Charlottetown.

Au chapitre de la langue de travail, certaines initiatives méritent d'être soulignées. La Société a publié un guide de rédaction des nouvelles en français et a mis sur pied un programme de formation en production française (radio et télévision) à l'intention des animateurs et des techniciens d'expression française. Elle a affecté, à travers le pays, une vingtaine d'agents chargés de contrôler la qualité de la langue. En outre, la Société et l'Association de la presse francophone hors Québec ont mis sur pied un comité d'étude sur les besoins en perfectionnement des journalistes d'expression française hors du Québec. Enfin, certains programmes informatiques sont maintenant disponibles en français, et les ateliers de formation relatifs à ces programmes sont donnés dans les deux langues.

Toutefois, nous avons noté une baisse de l'utilisation du français comme langue de travail par rapport à l'an dernier à l'administration centrale à Ottawa, au bureau de la zone d'Ottawa et au siège de l'ingénierie à Montréal. Ainsi, les réunions du personnel se tiennent maintenant souvent en anglais à ces endroits. De plus, l'évaluation de rendement de certains employés ne se fait pas toujours dans la langue officielle de leur choix à cause de l'unilinguisme des surveillants. La Société n'a pas encore choisi les surveillants qui pourraient bénéficier d'un cours de langue.

La participation des deux groupes linguistiques demeure stable. En février 1988, les anglophones formaient toujours 59,4 p. 100 (soit 6 621 employés) de l'effectif total de la Société et les francophones, 40,6 p. 100 (soit 4 530 employés). Quatre-vingt-dix-huit pour cent des employés du réseau français sont francophones, et le même pourcentage vaut pour les employés anglophones du réseau anglais. Compte tenu du mandat de la Société, les deux groupes linguistiques sont assez bien équilibrés à l'administration centrale (68 p. 100 d'employés d'expression anglaise et 32 p. 100 d'expression française). Le nombre de gestionnaires francophones à la Division de l'ingénierie a augmenté par rapport à 1987 ; il est passé de 31,7 p. 100 à 33 p. 100 cette année (77 sur 233). C'est un pas dans la bonne direction, surtout en tenant compte que près de la moitié des employés de cette division travaillent à Montréal.

Cette année, la Société s'est consacrée à ses réductions budgétaires ; par conséquent, elle n'a apporté que peu de modifications dans la gestion du programme des langues officielles. Elle vient cependant de remodeler la présentation de sa politique linguistique qu'elle a transmise à ses employés au début de novembre. Par contre, les objectifs du programme n'ont été que partiellement intégrés aux plans opérationnels. Il faut également noter que la responsabilité des langues

officielles a changé plusieurs fois de titulaire ces dernières années. C'est maintenant le Service national de la formation et du développement qui en a la charge et qui y détache trois personnes à temps partiel. Tout comme l'an dernier, nous doutons que les ressources humaines affectées au programme soient suffisantes.

Nous avons reçu 19 plaintes contre la Société Radio-Canada cette année, en comparaison avec neuf en 1987. Seize mettaient en cause la langue de service et trois, la langue de travail.

Revenu national (Douanes et Accise)

Le ministère du Revenu national (Douanes et Accise) a maintenu son bon rendement habituel au chapitre des langues officielles en 1988. Même s'il a continué à réduire son effectif, le Ministère compte plus d'employés bilingues que l'an dernier, et il a pris des mesures innovatrices afin d'offrir ses services dans les deux langues. Néanmoins, il y a encore trop peu d'employés bilingues à l'extérieur du Québec. Par ailleurs, il a poursuivi ses efforts pour encourager l'usage du français au travail, notamment en exigeant une meilleure maîtrise de la langue seconde de ses surveillants. Dans l'ensemble, la participation des deux groupes linguistiques est équilibrée, mais des faiblesses subsistent en région et au niveau hiérarchique. La haute direction a clairement manifesté son appui aux langues officielles en affectant les ressources suffisantes au programme.

Le Ministère estime que l'offre de services bilingues à une guérite désignée à deux de ses postes d'inspections frontaliers, dans le cadre d'un projet-pilote, s'est avérée une réussite. Le Ministère avait installé en même temps, à ces deux endroits, des écriteaux annonçant un service bilingue. Cette mesure a permis de réaliser certains progrès à l'égard du problème persistant de l'affichage sur les ponts et dans les tunnels situés aux frontières. Lorsqu'ils se sont rendus compte qu'ils ne seraient pas retardés ou même intimidés, de nombreux voyageurs n'ont pas hésité à demander à être servis en français. Le Ministère devrait mettre en œuvre ce système dans ses autres bureaux des douanes au cours des prochaines années. D'ailleurs, la *Loi sur les langues officielles* de 1988 enjoint clairement aux organismes fédéraux d'offrir activement leurs services dans les deux langues officielles dans les endroits où la demande est importante.

Le Ministère passe actuellement ses opérations commerciales en revue, car des études réalisées dans certains postes ont révélé que les camionneurs francophones qui traversent la frontière se voient moins souvent offrir un service en français que les touristes, ou même ont moins de chance de le recevoir s'ils en font la demande. Cette situation est en partie due au fait que les documents commerciaux américains sont généralement remplis en anglais. Nous considérons toutefois que ce n'est pas une raison valable pour empêcher les camionneurs de parler en français aux douaniers canadiens.

Cette année encore, le Ministère a embauché plusieurs étudiants bilingues (217 sur 611, soit 35,5 p. 100) durant la saison estivale, sa période la plus affairée.

En matière de langue de travail, le Ministère continue de rehausser les exigences linguistiques des postes de gestion et de ceux des services centraux et du personnel. Actuellement, plus du quart des postes de gestion dans les régions désignées bilingues nécessitent un niveau supérieur de connaissance des deux langues. Fait davantage encourageant, le Ministère recrute de plus en plus de candidats répondant déjà aux exigences linguistiques de ces postes. Dans la région de la Capitale nationale, 286 surveillants sur 359 (79,7 p. 100) répondent aux exigences linguistiques de leur poste. La Division des langues officielles effectue actuellement une étude sur l'usage du français à l'administration centrale.

Le Ministère a pris des mesures pour que ses employés francophones puissent recevoir leur formation dans leur langue d'élection. Étant donné que le nombre d'anglophones et de francophones est inégal, le Collège des douanes de Rigaud n'exige pas autant de participants pour les cours offerts en français que pour ceux donnés en anglais.

La participation des deux groupes linguistiques au sein du personnel du Ministère est équitable. Globalement, 73,5 p. 100 des 9 808 employés du Ministère sont anglophones et 26,5 p. 100 sont francophones. Ces proportions reflètent dans une large mesure une distribution équilibrée dans tout le pays, puisque plus de 80 p. 100 de l'effectif est affecté à l'extérieur de la région de la Capitale nationale. Néanmoins, nous relevons encore des anomalies malgré une légère amélioration depuis 1987, la présence anglophone n'est toujours pas bien équilibrée au Québec (7,2 p. 100 des 1 836 employés), et particulièrement à Montréal. Le Ministère participe à un Comité interministériel au Québec, chargé de trouver des moyens pour augmenter le nombre d'employés anglophones. D'autre part, la participation francophone dans la catégorie Gestion (21 p. 100, par rapport à 19 p. 100 en 1987) est quelque peu au-dessous de ce qu'elle devrait être.

L'effectif du Ministère a été réduit de plus de 100 employés (1,1 p. 100) au cours de l'année, ce qui limite la marge de manœuvre des gestionnaires pour résoudre les difficultés relatives aux langues officielles, en embauchant du personnel ou en offrant la possibilité aux employés d'avoir une formation linguistique. Globalement, 2 926 des 3 201 (91,4 p. 100) des employés titulaires de postes bilingues répondent aux exigences linguistiques de leur poste ; ce nombre et ce pourcentage ont d'ailleurs peu changé depuis 1987. Toutefois, dans certaines régions, le nombre de postes bilingues a augmenté de façon importante en 1988, ainsi que le nombre de titulaires répondant aux exigences linguistiques. Malheureusement, les gains les plus appréciables ont été réalisés dans des régions où la capacité bilingue était déjà élevée, c'est-à-dire à Montréal et dans d'autres régions du Québec. Le niveau du bilinguisme est encore bas dans le sud de l'Ontario, où 178 seulement des 2 425 postes (7,3 p. 100) exigent une connaissance des deux langues et 165 employés répondent aux exigences. Le Ministère a toutefois augmenté de 28 (18,7 p. 100) le nombre de postes bilingues

dans cette région. Le projet concernant les guérites bilingues devrait lui aussi contribuer à améliorer les services dans les bureaux du sud de l'Ontario.

Le Ministère possède un programme des langues officielles bien rodé. Son personnel effectue des contrôles réguliers, ce qui lui permet de cerner les difficultés et d'augmenter la responsabilité des gestionnaires. D'ailleurs, ceux-ci disposent de pouvoirs accrus leur permettant d'assumer une plus grande part de responsabilité en matière de langues officielles. Le personnel du programme a présenté cette année 77 séances d'information sur les langues officielles, auxquelles plus de 1 000 employés de toutes les régions ont participé. De plus, le Ministère offre une vaste gamme de programmes de formation linguistique, y compris une formation en langue seconde sur place dans certains bureaux des douanes. En 1988, plus de 600 employés ont reçu une certaine formation en langue seconde. L'importance des ressources et l'appui que la haute direction accorde au programme des langues officielles expliquent en grande partie le bon rendement du Ministère dans ce domaine.

Nous avons reçu 22 plaintes contre le Ministère, soit cinq de plus qu'en 1987. Dix-neuf d'entre elles provenaient du public, et dans la plupart des cas, de voyageurs qui n'ont pu être servis en français à des postes frontière. Trois des plaintes ont été portées par des employés qui avaient éprouvé de la difficulté à travailler en français. Le Ministère a réglé promptement et efficacement la plupart des plaintes.

Revenu national (Impôt)*

Le ministère du Revenu (Impôt) a donné suite dans une bonne mesure à son engagement pris devant le Comité mixte permanent des langues officielles, à la fin de 1987, de relancer son programme des langues officielles. Il a notamment commencé à combler les lacunes qui persistaient aux services de recouvrement et de vérification, et il a pris des mesures pour assurer une plus grande place au français à l'administration centrale. La gestion de son programme des langues officielles a aussi été améliorée. Malgré tout, des carences demeurent, notamment la faible capacité bilingue du Ministère dans l'Ouest.

Au chapitre du service au public, nous félicitons le Ministère d'avoir modifié la *Déclaration des droits du contribuable* afin d'y inclure spécifiquement une référence au droit d'être servi dans l'une ou l'autre langue officielle. La situation concernant la faible capacité bilingue des vérificateurs s'est quelque peu améliorée au cours de l'année. La région de Toronto compte maintenant dix vérificateurs bilingues sur près de 660, comparativement à deux en 1987, tandis que celle d'Halifax en compte maintenant trois. Vancouver et Edmonton en ont un chacune, alors qu'il n'y en avait aucun à ces deux endroits l'an dernier. Soulignons par ailleurs que trois des quatre directeurs de district dans la région de Toronto sont maintenant bilingues.

Le Ministère offre des services bilingues dans ses 43 bureaux à travers le pays. Dans 18 des 43 bureaux, il a des lignes téléphoniques distinctes pour le service en français. Il a aussi mis en place de façon efficace le nouveau symbole du Conseil du Trésor pour signaler la disponibilité du service dans les deux langues officielles. Les représentants du Ministère continuent de rencontrer régulièrement les minorités de langue officielle pour connaître leurs besoins et les informer de la disponibilité de services bilingues. Toujours sur une note positive, signalons qu'on a rehaussé au niveau intermédiaire les connaissances requises en langue seconde d'une centaine de postes qui n'exigaient que le niveau élémentaire.

Le Ministère doit malgré tout poursuivre ses efforts dans le domaine du service au public. En dépit d'une légère hausse de l'effectif bilingue dans l'Ouest, celui-ci se situe toujours à un peu moins de 2 p. 100 des quelque 4 800 employés dans cette région. Ainsi, il n'y a que 3 employés bilingues sur 203 à Regina et 10 sur 618 à Edmonton. Par ailleurs, il n'y a que 39 bilingues sur 2 444 employés à Toronto. Même si la région de l'Atlantique fait assez bonne figure dans l'ensemble, on note que le centre fiscal de Saint-Jean (T.-N.) ne compte qu'une dizaine d'employés bilingues sur 368 (2,7 p. 100). Pourtant ce centre traite les déclarations provenant des quatre provinces de l'Atlantique, dont environ 70 000 (5 p. 100 du total) sont soumises en français.

La proportion globale de postes bilingues s'est légèrement accrue par rapport à l'an dernier (de 19,9 à 21 p. 100), alors que la proportion des titulaires qui satisfont aux exigences requises est demeurée à un niveau satisfaisant, environ 90 p. 100.

Le Ministère doit aussi porter une attention particulière à la qualité du français de ses formulaires qui font l'objet d'une large diffusion. Nous avons reçu des plaintes à ce sujet cette année, dont plusieurs à propos du formulaire TD-1 (déclaration de crédit d'impôt personnel). Le Ministère reconnaît qu'il y a des lacunes à cet égard et il s'est engagé à apporter les correctifs nécessaires.

Le Ministère a pris certaines mesures pour assurer une plus grande utilisation du français dans le milieu de travail, notamment à l'administration centrale. La haute direction a clairement laissé savoir aux gestionnaires qu'ils doivent accorder une plus grande place au français. On a aussi distribué de l'information à tout le personnel pour leur rappeler leurs droits dans ce domaine. Le nombre de surveillants qui satisfont aux exigences requises a augmenté d'un impressionnant 15 p. 100 par rapport à l'an dernier et s'établit maintenant à 84,5 p. 100. C'est là un pas important puisque le grand nombre de surveillants unilingues constituait un obstacle important à une plus grande utilisation du français. Ces efforts doivent continuer puisque l'anglais prédomine nettement dans certaines activités, notamment durant les réunions. Au Nouveau-Brunswick, la situation est

satisfaisante au bureau de Bathurst, mais l'emploi du français est limité à Saint-Jean en raison du manque de bilinguisme d'un certain nombre de surveillants.

Les employés bénéficient généralement de services centraux et du personnel dans leur langue. Dans l'ensemble, le Ministère fait aussi bonne figure dans la prestation de cours de formation dans les deux langues, puisque le quart des cours se sont déroulés en français. Malheureusement, il s'est servi de cours d'auto-apprentissage sur la rédaction qui n'étaient disponibles qu'en anglais. En général, la situation concernant la participation des deux groupes linguistiques est demeurée satisfaisante. Les employés anglophones forment 73 p. 100 du personnel et les francophones 27 p. 100. L'équilibre est également adéquat dans les diverses catégories d'emploi. Parmi les quelque 3 000 spécialistes, le personnel d'expression française atteint maintenant 23,6 p. 100 contre 22,6 p. 100 l'an dernier. Par contre, les déséquilibres dans la participation du personnel d'expression anglaise au Québec et celui d'expression française dans l'Ouest restent importants. Dans le premier cas, il compte pour 4,3 p. 100 de l'effectif au Québec (131 sur 3 036) et dans le second cas, pour 1,3 p. 100 du personnel dans l'Ouest (62 sur 4 779). Un plan d'action a été préparé en vue d'accroître la participation des anglophones au Québec.

Nous avons noté une nette amélioration de la gestion du programme des langues officielles. Neuf personnes sont maintenant affectées à cette tâche, à l'administration centrale, auxquelles s'ajoutent cinq coordonnateurs du programme dans les régions. Le Ministère peut ainsi exercer un meilleur contrôle de son programme dans les divers secteurs d'activités.

Le Ministère a fait l'objet de 36 plaintes cette année, par rapport à 59 l'an dernier. Toutes les plaintes se rapportaient à la langue de service, dont huit avaient trait à des erreurs de codage quant à la préférence linguistique des contribuables. Sept plaintes mettaient en cause la qualité du français de certains formulaires. Les autres plaintes touchaient le manque de service en français au téléphone ou sur place. Le Ministère a bien collaboré au règlement des plaintes qui ont toutes été résolues au cours de l'année.

Santé nationale et Bien-être social*

Le ministère de la Santé nationale et du Bien-être social a connu, en 1988, une année sans éclat particulier. En dépit de la réduction de son effectif, il a réussi, dans l'ensemble, à fournir aux Canadiens des services bilingues avec son efficacité coutumière. Néanmoins, il aurait pu accorder une plus grande importance à certaines faiblesses de son programme des langues officielles.

La plupart des directions générales du Ministère ont relativement peu de contacts avec le public, hormis celle des programmes de la sécurité du revenu qui traite directement avec un très grand nombre de Canadiens. Globalement, cette

direction offre activement ses services bilingues dans les régions où la demande est importante et en fait connaître la disponibilité par des publications et par d'autres moyens, comme l'affichage et la publicité ainsi que l'accueil téléphonique et en personne. Même dans les régions où la demande de services dans la langue de la minorité est faible, comme les provinces de l'Ouest, les clients peuvent obtenir des services en français en composant un numéro Zénith. Les appels sont alors transférés à Edmonton où un répondeur téléphonique enregistre les noms et les numéros de téléphone. Un responsable rappelle les clients dès le lendemain. Cependant, certaines failles subsistent. Ainsi, l'an dernier, nous avions signalé un service en français insatisfaisant au bureau régional de l'Ontario, à Scarborough, et ce problème n'est toujours pas résolu. À Toronto, d'autres secteurs du Ministère ont fait l'objet de plaintes concernant l'absence de service en français : il s'agit de la clinique des services de santé et du groupe des relations publiques.

La Direction générale de la Condition physique et du Sport amateur a conservé, en 1988, son approche positive en matière de langues officielles, mais il semble que les nombreuses manifestations sportives régionales, nationales et internationales qui ont eu lieu pendant l'année ont grandement mis ses ressources linguistiques à l'épreuve. Selon les plaintes reçues, le contrôle effectué par cette direction à été beaucoup plus lâche pour le Championnat mondial junior de piste et pelouse à Sudbury, parrainé par l'Association de piste et pelouse du Canada, qu'il ne l'a été durant les Jeux d'hiver de 1987, dans l'Île du Cap-Breton. Pour être juste, précisons que globalement, Condition physique et Sport amateur possède une bonne capacité bilingue. Les plaintes portent, pour la plupart, sur les manifestations sportives elles-mêmes. Néanmoins, la Direction générale devra trouver de nouveaux moyens d'assurer l'égalité de traitement aux groupes des deux langues officielles durant ces manifestations très en vue. Il a pourtant fait des efforts louables pour s'assurer que les associations nationales de sports, de conditionnement physique et de loisirs qu'il subventionne organisent leurs activités en tenant dûment compte des langues officielles.

Le Ministère compte 8 656 employés, dont 2 773 occupent des postes exigeant une connaissance des deux langues ; 2 198 (79,3 p. 100) de ceux-ci répondent aux exigences linguistiques de leur poste. Nous avons remarqué que ces exigences continuent d'être régulièrement rehaussées : en 1988, 6,2 p. 100 seulement des postes bilingues n'exigeaient que le niveau élémentaire, par rapport à 14 p. 100 en 1987. Nous en sommes très heureux. Par ailleurs, au niveau régional, le nombre d'employés bilingues semble suffisant, sauf dans l'est et dans le nord de l'Ontario, où il n'y a que 26 employés possédant la compétence linguistique nécessaire pour servir l'importante minorité francophone. Une fois terminée, la dotation du nouveau bureau régional de Timmins devrait permettre d'améliorer la situation.

En principe, rien n'empêche les employés de rédiger leur travaux en français ou en anglais. Néanmoins, outre les problèmes engendrés par la prédominance de

l'anglais dans le monde scientifique, les francophones de la Direction générale de la protection de la santé à Ottawa ne représentent que 10,6 p. 100 (60 sur 568) de l'effectif dans la catégorie Scientifiques et spécialistes. Chez les gestionnaires, seulement 2 sur 30 sont francophones. Dans ces deux catégories, les proportions sont de loin inférieures aux moyennes de la Fonction publique pour la région de la Capitale nationale.

Le taux de participation globale des francophones est de 23,9 p. 100, ce qui est raisonnable puisque la plupart des employés travaillent à l'extérieur de la région de la Capitale nationale. La participation des francophones a légèrement augmenté par rapport à l'année dernière dans quatre catégories d'emploi : Scientifiques et spécialistes (15,7 p. 100), Technique (20,7 p. 100), Exploitation (18,8 p. 100) et Gestion (16,6 p. 100). Ce n'est toutefois pas encore suffisant. Au Québec, la proportion des anglophones est restée très faible malgré une légère augmentation (de 3,3 p. 100 en 1987 à 4 p. 100 en 1988).

L'an dernier, nous avions précisé que le Ministère avait mis en place l'infrastructure de base d'un programme sur la langue de travail. Pour que cette infrastructure soit solide, il doit procéder rapidement à son sondage sur la langue de travail qui déjà accuse un certain retard. Le Ministère doit notamment étudier un élément important : dans quelle mesure les employés sont-ils libres de faire usage du français et de l'anglais durant les réunions ? Le sondage devrait jeter une certaine lumière sur cette question. Par ailleurs, les mécanismes de contrôle supplémentaires que nous avons réclamés en 1987, concernant d'autres aspects de la langue de travail, ne sont pas encore en place.

Nous avons reçu 66 plaintes contre le Ministère en 1988, comparativement à 58 l'année dernière. Condition physique et Sport amateur a fait l'objet de 15 d'entre elles, par rapport à six en 1987 ; toutes concernaient le service au public (neuf sur le Championnat mondial junior de piste et pelouse à Sudbury, trois sur l'organisation des Jeux du Canada de 1991 à Charlottetown et trois sur les services offerts par les associations subventionnées). Une des 51 plaintes portées contre les autres secteurs du Ministère touchait à la langue de travail, tandis que les autres avaient trait à la langue de service. La plupart de ces dernières portaient sur la publicité, l'accueil téléphonique (particulièrement à Toronto) et la correspondance.

Le Ministère a corrigé assez rapidement les situations qui avaient donné lieu aux plaintes mineures, mais il a parfois été lent à s'attaquer aux problèmes plus complexes de politiques ou de pratiques. Les communications avec le Ministère ont parfois été difficiles, et nos demandes d'information n'ont pas toujours reçu l'attention voulue.

Secrétariat d'État*

Le rendement linguistique du Secrétariat d'État se situe au-dessus de la moyenne générale des institutions fédérales. Bien qu'ayant failli à sa tâche à quelques

reprises en 1988 au chapitre des langues officielles, le Secrétariat d'État demeure l'un des chefs de file sur le plan linguistique. Cependant, les carences que nous avons observées à la cour de la Citoyenneté exigent la mise en place de mesures rigoureuses.

Nous effectuons actuellement une vérification linguistique à la cour de la Citoyenneté, qui a été à la source de plusieurs plaintes déposées ces dernières années. En effet, avec seulement dix juges bilingues sur 41, la Cour se trouve trop souvent dans l'impossibilité de donner un service égal dans les deux langues officielles. Dans ces circonstances, elle est parfois incapable d'appliquer la *Loi sur la citoyenneté* qui prescrit que les juges doivent déterminer si un requérant à la citoyenneté canadienne « possède une connaissance suffisante de l'une des deux langues officielles du Canada ». Cependant, le Ministère a distribué, le printemps dernier, à tous les juges et les employés, une mise à jour de ses lignes directrices relatives à l'utilisation des langues officielles. De plus, il offre à plusieurs juges des cours de langue française adaptés à leur travail.

À l'intérieur du Ministère proprement dit, on a pris l'engagement de ne doter les postes de directeur régional que par des candidats ayant déjà le niveau supérieur de compétence en langue seconde. De ce fait, les minorités recevront un service de qualité égale dans leur langue partout au pays. Toutefois, nous nous attendons à ce que les gestionnaires contrôlent l'offre active de services bilingues, ce qui enrayerait les plaintes portant notamment sur l'accueil téléphonique et en personne.

Le Secrétariat d'État a enfin remanié ses procédures administratives afin de s'assurer que les agences de recouvrement chargées de récupérer les prêts aux étudiants traitent avec ces derniers dans la langue de leur choix. Il en est de même pour les représentants du ministère de la Justice chargés de fournir des services juridiques au sujet de ces prêts. Un contrôle rigoureux de ces procédures devra être exercé car, malgré la distribution de ces procédures, le Commissariat a reçu deux autres plaintes au sujet d'une agence de recouvrement qui n'a pas fourni le service dans la langue du débiteur.

De façon générale, les employés du Secrétariat d'État peuvent travailler dans la langue officielle de leur choix, ce qui n'est pas surprenant car 91 p. 100 des titulaires de postes bilingues ayant des fonctions de surveillance satisfont aux exigences linguistiques de leur poste. Tous les cours de formation et de perfectionnement sont offerts et donnés dans les deux langues officielles. Nous avons tout de même reçu deux plaintes touchant la langue de travail. Dans la première, le Secrétariat d'État a fait parvenir, à quelques fonctionnaires d'expression anglaise et française d'autres ministères, un document unilingue anglais qui devait être analysé au cours d'une réunion ultérieure. Après l'intervention du Commissariat, un document en français, de qualité moindre que celui en anglais, a été distribué aux participants tout au début de la réunion. La deuxième plainte porte sur

l'annulation des services d'interprétation qui avaient pourtant été promis. C'est d'ailleurs un problème qui semble assez répandu. Le Secrétariat d'État a commandé une étude en deux volets sur cette question : le premier, maintenant achevé, consistait à évaluer le programme de traduction et d'interprétation, et le deuxième, en cours, servira à examiner les recommandations proposées afin de corriger les lacunes.

La participation des deux groupes linguistiques est plutôt stable depuis un an. Même sans tenir compte du Bureau de la traduction où la très forte majorité des employés sont francophones, seulement 51 p. 100 de l'ensemble du personnel est anglophone, une diminution de 1,1 p. 100 par rapport à l'an passé et de 3,5 p. 100 depuis 1986. Il y a une pénurie d'employés anglophones notamment dans les catégories Soutien administratif (44,5 p. 100) et Technique (43,3 p. 100). Le Secrétariat d'État devra prendre les mesures nécessaires afin d'en arriver à une participation globale plus équitable des deux groupes de langue officielle.

Bien que les gestionnaires soient tenus responsables de la mise en application du programme des langues officielles pendant le processus des évaluations de rendement, le Secrétariat devrait voir à exercer ce contrôle de façon plus rigoureuse.

Nous avons reçu 30 plaintes contre le Secrétariat d'État en 1988, comparativement à 22 en 1987. Vingt-huit d'entre elles portaient sur la langue de service et deux sur la langue de travail. La direction des langues officielles du Ministère vient par ailleurs de prendre l'heureuse initiative de rendre ses gestionnaires vraiment responsables du règlement des plaintes et d'augmenter le contrôle à cet égard.

Sénat

L'Administration du Sénat a continué d'offrir un service bilingue de qualité aux sénateurs et aux nombreux visiteurs qu'il a accueillis en 1988. En outre, il a pris des mesures pour améliorer la gestion de son programme des langues officielles, sans pour autant produire le plan d'action que nous avons réclamé à maintes reprises, et qui s'impose pour remédier aux problèmes de la langue de travail et de la participation peu équitable.

En 1987, nous avions signalé que plus des trois quarts des titulaires de postes bilingues répondaient aux exigences linguistiques de leur poste. En 1988, cette proportion a nettement baissé à la suite d'une évaluation plus stricte des compétences linguistiques. D'après les nouvelles normes, seulement 54,1 p. 100 (131 sur 242) des employés occupant des postes bilingues satisfont aux exigences linguistiques. Autrement dit, le tiers seulement de l'effectif de 391 employés est bilingue. En dépit de ce handicap manifeste, le Sénat assure un service d'accueil téléphonique dans les deux langues officielles et offre des visites

guidées en français ou en anglais. Les personnes appelées à témoigner devant les comités du Sénat peuvent, bien entendu, le faire dans l'une ou l'autre langue, grâce à un service d'interprétation efficace. Toutefois, nous déplorons que 41,7 p. 100 des gardes de sécurité (25 sur 60) ne satisfassent pas aux exigences linguistiques de leur poste, car ils sont notamment chargés d'accueillir les visiteurs et les témoins. Cela dit, nous allons régulièrement au Sénat et nous avons pu constater qu'on affecte des gardes bilingues aux postes en contact avec le public.

L'Administration du Sénat doit surmonter plusieurs obstacles qui rendent difficile, pour les francophones, de travailler dans la langue de leur choix. Ainsi, 43,1 p. 100 des surveillants (25 sur 58) ne satisfont pas aux exigences linguistiques de leur poste et sont incapables d'encadrer un subalterne dans sa langue d'élection. En outre, le Sénat n'a pas fixé d'objectifs en matière de langue de travail à ses cadres, qui ne sont donc pas tenus responsables de leur rendement à cet égard. Par conséquent, même si la majorité des employés du Sénat sont francophones, le français n'a pas la place qui lui revient. Par contre, la plupart des instruments de travail, comme les manuels, les logiciels informatiques et les directives sont disponibles dans les deux langues officielles. Enfin, les services centraux du personnel et la plupart des cours sont offerts en français et en anglais.

Le Sénat nous a fourni, cette année, des données précises sur les taux de participation ; les statistiques sont inquiétantes. Globalement, la proportion des francophones est beaucoup trop élevée (55 p.100), et le taux de participation des anglophones est trop faible dans chacune des catégories d'emploi. En outre, on a embauché cette année 34 francophones et 29 anglophones (à titre permanent). Si cette tendance se maintient, le problème ne pourra que s'aggraver.

Bien que ce soit à un rythme plutôt lent, le Sénat a marqué quelques points dans la gestion de son programme des langues officielles. Comme nous l'avons dit, le Sénat a compilé des données fiables sur les taux de participation des francophones et des anglophones, et il a informé ses employés de la désignation linguistique de leur poste. La compétence en langue seconde de la plupart des employés occupant des postes bilingues a été dûment évaluée. Enfin, on nous a annoncé qu'un plan de formation linguistique était en préparation, de même qu'une politique de dotation des postes bilingues. Toutefois, force nous est de rappeler que le Sénat nous promet cette politique depuis des années. Ensemble, ces éléments pourraient servir à un plan d'action solide sur les langues officielles que nous espérons voir enfin produire en 1989.

En 1988, nous avons reçu deux plaintes contre le Sénat, comparativement à huit en 1987. La première portait sur un rapport envoyé en anglais à une personne qui en avait demandé la version française. La seconde mettait en doute la validité

des examens des connaissances linguistiques administrés aux employés occupant des postes bilingues. Les deux plaintes étaient encore à l'étude à la fin de l'année.

Service canadien du renseignement de sécurité

Le Service canadien du renseignement de sécurité (SCRS) a connu une année plus calme en 1988 sur le plan des langues officielles. Des progrès importants ont été réalisés dans des secteurs jugés lacunaires dans le passé, notamment les enquêtes de sécurité et la capacité bilingue des surveillants. Le Service a aussi adopté une politique exhaustive et précise en matière de langue de travail et des communications. Par contre, la diminution des cadres supérieurs francophones ne contribue pas à donner au français une place adéquate au sein de l'administration centrale du Service.

Le SCRS a déployé de nombreux efforts en matière de formation linguistique afin d'augmenter sa capacité bilingue. Ainsi, 430 employés, soit deux fois plus qu'en 1987, ont suivi des cours de langue en 1988. Le Service devrait être en mesure de réduire la proportion de titulaires de postes bilingues (environ 25 p. 100) qui ne répondent pas aux exigences linguistiques de leur poste.

La situation concernant les enquêtes de sécurité s'améliore progressivement. Le Service a ainsi réitéré aux enquêteurs, par écrit, l'importance d'offrir aux personnes interrogées, le choix de la langue dans laquelle l'enquête se déroulera et de respecter ce choix. Au bureau régional d'Ottawa, à qui incombe la responsabilité d'un grand nombre de ces enquêtes, la proportion des enquêteurs bilingues est passée de 33 p. 100 l'an dernier à 42 p. 100 en 1988. Les nouveaux employés de ce secteur doivent posséder au minimum une connaissance de la langue seconde de niveau intermédiaire. Le SCRS offre des cours de langue, au besoin, pour qu'ils atteignent le niveau supérieur.

Les 12 recrues du Service possédaient toutes, au moins, le niveau intermédiaire en langue seconde. Le SRCS a d'ailleurs décidé de conserver cette exigence pour toutes les futures recrues.

La principale réalisation en matière de langue de travail a été l'adoption d'une politique sur la langue de travail et les communications. Cette politique établit clairement la responsabilité des gestionnaires quant à sa mise en œuvre et elle réaffirme les modalités de communication entre l'administration centrale et les régions. Ces modalités semblent bien respectées concernant le Québec puisque nous ne recevons que rarement des plaintes à ce sujet. Nous tenons à signaler que, selon la politique interne sur la langue de travail, les télex renfermant des directives opérationnelles pour le personnel sont maintenant considérés à titre d'instruments de travail.

Grâce aux efforts déployés en vue de promouvoir les cours de langue, notamment auprès des surveillants et des gestionnaires, la proportion des gestionnaires

de l'administration centrale qui satisfont aux exigences linguistiques de leur poste est passée de 62 p. 100 à près de 75 p. 100 en 1988. Un autre aspect positif, le Service s'est engagé à exiger dès 1992, un niveau de connaissance linguistique supérieur pour tous les postes bilingues de la catégorie Gestion. En dépit de ces efforts, des lacunes importantes persistent. En raison du niveau insuffisant de connaissance de la langue seconde de plusieurs gestionnaires et du peu de place accordé au français dans le secteur de la sécurité, les agents francophones rédigent encore souvent leurs documents en anglais et assistent à des réunions qui se tiennent uniquement dans cette langue. Par exemple, les activités reliées à la demande de mandats auprès de la Cour fédérale se déroulent en grande partie en anglais. De plus, les évaluations de rendement des francophones sont également encore souvent rédigées en anglais.

Le SCRS a effectué une étude au bureau régional d'Ottawa pour connaître les raisons qui font du français une langue sous-utilisée à cet endroit. Le plan qui en est résulté prévoit que le bureau fonctionnera dans les deux langues d'ici trois ans grâce, entre autres, à un important programme de formation linguistique qui touchera près de 75 employés en 1989.

Les services internes sont généralement offerts dans les deux langues officielles. Le Service a respecté son engagement d'offrir tous les cours de formation dans les deux langues et nous avons constaté, avec intérêt, que les francophones n'hésitaient pas à s'inscrire aux cours donnés en français. Pour la première fois cette année, les nouveaux employés ont pu recevoir leur formation de base dans les deux langues.

La participation globale des deux groupes linguistiques est assez bien équilibrée, avec 76 p. 100 d'employés d'expression anglaise et 24 p. 100 d'expression française (soit une baisse de 4 p. 100 pour ces derniers par rapport à 1987). La proportion de gestionnaires francophones a par ailleurs diminué, elle est passée de 23 à 18 p. 100. Ces baisses sont en partie attribuables au fait qu'un nombre important de francophones au Québec et à l'administration centrale ont décidé de prendre une retraite anticipée. La participation des deux groupes linguistiques est relativement équilibrée dans les autres catégories d'emploi, sauf les spécialistes d'expression française qui ne comptent que pour 6 p. 100 de cette catégorie.

Sur le plan régional, le nombre d'employés anglophones est trop élevé (28 p. 100) au Québec, tandis que les francophones ne sont pas assez présents au bureau régional d'Ottawa (19 p. 100) qui dessert aussi l'ouest du Québec.

Au niveau de la gestion du programme, le Service a adopté une politique prévoyant la mutation de tout employé qui ne satisfait pas aux exigences linguistiques de son poste, deux ans suivant sa nomination conditionnelle. C'est là une initiative importante. Malheureusement, le SCRS a fait peu de choses pour rendre les cadres davantage responsables de l'application de la *Loi sur les langues*

officielles. Les unités administratives n'ont pas encore fixé d'objectifs précis et le Service ne tient pas compte des réalisations des gestionnaires à ce sujet dans l'appréciation de leur rendement. Il a toutefois fait un premier pas dans la bonne direction à la fin de l'année en exigeant des plans d'action distincts pour chaque unité organisationnelle.

Nous avons reçu 11 plaintes contre le Service en 1988, une baisse importante par rapport aux 63 de l'an dernier. Quatre de ces plaintes concernaient les exigences linguistiques des postes et deux autres portaient sur des réunions regroupant de nombreux employés francophones, mais qui ont été tenues en anglais seulement. La question des télex unilingues anglais envoyés au Québec n'a fait l'objet que de deux plaintes.

Service correctionnel*

Le Service correctionnel du Canada (SCC) a poursuivi cette année les efforts entrepris en 1987 en vue de redresser sa situation linguistique. Cependant, plusieurs des problèmes auxquels il fait face sont de taille et les résultats anticipés sont lents à se réaliser. Dans plusieurs établissements, les détenus de langue officielle minoritaire sont encore loin d'avoir accès à tous les services essentiels dans la langue officielle de leur choix. D'ailleurs, le français n'occupe toujours pas la place qui lui revient en tant que langue de travail à l'administration centrale et au Nouveau-Brunswick. Au chapitre de la participation des deux groupes linguistiques, la faible participation des employés d'expression anglaise au Québec demeure un problème majeur. Il est à espérer que l'intérêt manifesté par la nouvelle équipe de gestion du Service, à l'égard du programme des langues officielles, se traduira rapidement en un solide soutien à ceux qui ont la responsabilité de le gérer.

Toutes les régions, à l'exception du Québec, connaissent d'importantes lacunes concernant les soins de santé offerts aux détenus de langue officielle minoritaire. Par exemple, l'Ontario ne compte que deux médecins et un psychiatre qui s'expriment en français. Pour pallier quelque peu cette lacune, la région a conclu une entente avec deux hôpitaux pour que ces services soient offerts en français. Par ailleurs, les établissements de Dorchester et de Renous, au Nouveau-Brunswick, étaient toujours sans médecin bilingue en fin d'année, et on y procédait à des entrevues de candidats dans l'espoir de combler ce manque. Le SCC éprouve de réelles difficultés à recruter du personnel médical qui puisse exercer dans les deux langues officielles. Qui plus est, médecins, psychiatres et psychologues ne sont pas très nombreux hors des grands centres. Le Service envisage donc la mise sur pied d'un programme de bourses destiné à des étudiants en médecine d'expression française, à l'extérieur du Québec, qui s'engageraient à travailler pour lui durant quelques années après leurs études. Il s'agit là d'une initiative valable et nous encourageons le Service à y donner suite activement. À l'exception de la région de l'Atlantique qui a réussi à recruter huit infirmières bilingues, la campagne nationale de recrutement de personnel infirmier bilingue,

lancée à la fin de 1987, n'a pas produit les résultats escomptés. D'autre part, là où des services sont disponibles dans les deux langues officielles, au Québec comme ailleurs, ils sont rarement offerts activement aux détenus. Il en résulte que les détenus de langue officielle minoritaire qui ont une connaissance minimum de la langue officielle majoritaire ont tendance à se déclarer bilingues et ne demandent pas leurs services dans leur langue.

Sur un autre plan, il arrive fréquemment qu'on ne puisse remettre, dans un délai raisonnable, aux détenus de langue officielle minoritaire, une copie dans leur langue, de rapports écrits à leur sujet et auxquels ils ont droit. Cette situation est particulièrement inacceptable quand un détenu de langue officielle minoritaire, afin de ne pas retarder l'audition de sa demande de libération conditionnelle, est appelé à indiquer par écrit qu'il est prêt à se contenter d'une explication verbale de la part de son agent de gestion de cas. Le SCC reconnaît le sérieux de ce problème et travaille à y trouver une solution acceptable.

Des 10 220 employés du SCC, 1 826 occupent des postes bilingues et 86,5 p. 100 d'entre eux répondent aux exigences linguistiques du poste. Donc, 1 579 employés du Service sont bilingues, soit 15,5 p. 100 de l'effectif total, le même taux qu'en 1987. La capacité bilingue est généralement adéquate dans la région de l'Atlantique où elle est passée de 21,4 p. 100 à 24,5 p. 100. Au Québec, elle se situe à 25,8 p. 100, alors qu'elle s'accroît progressivement dans les autres régions. Le pourcentage d'employés bilingues a légèrement augmenté dans les Prairies passant de 5,1 p. 100 à 6,9 p. 100, et il a plus que doublé dans le Pacifique (8 p. 100 comparativement à 3,4 p. 100). En Ontario, le pourcentage se situe à 12,2 p. 100 comparativement à 10,6 p. 100 l'an dernier.

Il n'y a que les employés de la région de la Capitale nationale et du Nouveau-Brunswick qui puissent travailler plus ou moins fréquemment dans les deux langues officielles. Dans les autres régions bilingues aux fins de la langue de travail, le petit nombre d'employés de langue officielle minoritaire ne leur permet pas d'utiliser la langue de leur choix au travail. Même à l'administration centrale, à l'exception de certains secteurs, le français est encore peu utilisé. Pour sa part, le nouveau Comité de gestion donne l'exemple en faisant usage des deux langues durant ses réunions. Au Nouveau-Brunswick, malgré les progrès accomplis face à l'usage du français ces dernières années, l'unilinguisme de certains employés clés demeure une entrave importante. À titre d'exemple, l'incapacité de certains professionnels de la santé à lire le français empêche le personnel infirmier francophone de rédiger des fiches médicales dans leur langue. D'un autre côté, les services du personnel y sont disponibles dans la langue choisie par l'employé.

Au chapitre de la participation des deux groupes linguistiques, la situation a peu évolué. Les employés anglophones ne représentent que 67 p. 100 de l'effectif global du SCC. Ce déséquilibre s'explique en grande partie du fait que sur près

de 3 000 employés au Québec, à peine plus de 1 p. 100 sont d'expression anglaise. La direction de cette région participe cependant activement à un comité interministériel mis sur pied à la suite d'un rapport spécial du Commissaire présenté au Gouverneur en conseil pour améliorer la participation des anglophones au Québec. La proportion des employés d'expression française en Ontario s'est accrue passant de 1,4 p. 100 en 1987 à 3,8 p. 100 cette année. La participation des francophones reste néanmoins sous la barre du 5,3 p. 100 que représente ce groupe dans leur province.

Les employés d'expression française dans la région de l'Atlantique, quant à eux, sont passés de 16 p. 100 de l'effectif l'année dernière à 19 p. 100 en 1988, et ils occupent une part généralement adéquate des diverses catégories professionnelles. Les efforts continus de cette région pour assurer une participation équitable des deux groupes méritent d'être soulignés.

Bien que dans l'ensemble, la gestion du programme des langues officielles ait été améliorée depuis deux ans, les ressources allouées au contrôle de sa mise en œuvre sont restées pratiquement les mêmes que l'année dernière. Une dizaine de personnes s'occupent de ce programme pour tout l'organisme, ce qui nous apparaît nettement insuffisant, compte tenu de l'ampleur des progrès encore nécessaires et du caractère décentralisé du SCC. Cependant, conscient de ses difficultés au plan linguistique, le Service présentera au Conseil du Trésor au début de 1989, un projet de protocole d'entente dans lequel il énonce son engagement à prendre les mesures correctives appropriées.

Nous avons reçu 17 plaintes cette année contre le Service correctionnel du Canada, comparativement à 19 l'année dernière. Onze de ces plaintes concernaient le service au public dont huit le service aux détenus de langue officielle minoritaire. Quatre plaintes avaient trait à la langue de travail et les deux autres à l'identification linguistique de postes en Alberta. Plusieurs de ces plaintes ont nécessité une enquête approfondie. Elles demeuraient donc à l'étude à la fin de l'année.

Société canadienne des Ports

La Société canadienne des Ports a continué de faire bonne figure dans la mise en œuvre du programme des langues officielles, malgré certaines contraintes liées à la réduction de son effectif. Ses centres portuaires offrent des services de bonne qualité dans les deux langues officielles. Le français et l'anglais ont généralement un statut d'égalité au travail au siège social à Ottawa. La participation aux ports des Canadiens d'expression française et anglaise reflète la répartition linguistique des régions desservies.

La Société offre spontanément un service bilingue à sa clientèle et elle s'est enrichie des ressources bilingues nécessaires pour assurer ce service. Il est bon

de souligner que le siège social compte 70 p. 100 d'employés bilingues. Les ports sous la tutelle de la Société ont une capacité bilingue adéquate à l'exception de Churchill au Manitoba où il revient à Ottawa d'assurer une communication bilingue avec les clients en raison de la très faible demande de services en français.

Au siège social, les employés peuvent travailler dans la langue officielle de leur choix, sauf exception, et les gestionnaires encouragent l'utilisation des deux langues au travail. Les surveillants sont suffisamment bilingues pour permettre aux employés de recevoir leur évaluation de rendement dans la langue officielle de leur choix. Les instruments de travail sont disponibles en français et en anglais, et ces deux langues sont couramment utilisées durant les réunions.

La Société compte 195 employés dont 131 (67,2 p. 100) sont d'expression anglaise et 64 (32,8 p. 100) sont d'expression française. Compte tenu de la répartition linguistique des régions desservies, soit Sept-Îles, Chicoutimi, Trois-Rivières, Prescott et Churchill, la participation des employés par communauté linguistique nous paraît adéquate. Il est à noter toutefois que les anglophones constituent 5 des 12 employés à la haute direction, ce qui s'explique par l'existence du plus grand nombre de postes dans les régions unilingues françaises du Québec.

En ce qui concerne l'administration du programme, les objectifs en matière de langues officielles font partie intégrante des plans opérationnels de la gestion et sont revus par le Président et le Conseil d'administration. Les gestionnaires sont tenus informés de ces objectifs et les cadres supérieurs sont comptables au Président de l'atteinte des objectifs.

Nous n'avons reçu aucune plainte contre la Société canadienne des Ports en 1988.

Ports Canada compte également un certain nombre de ports autonomes qui ne sont pas gérés par le siège social. Notre Commissariat a visité cette année trois de ces ports, soit ceux de Montréal, Québec et Halifax.

Société du Port de Montréal :
Le Port de Montréal ne semble pas éprouver de difficulté à servir sa clientèle dans les deux langues officielles. La langue de travail y est exclusivement le français, et seulement 7 p. 100 de ses employés sont anglophones.

Nous avons reçu une seule plainte concernant l'affichage au Port, et elle n'a pas encore été réglée.

Société du Port de Québec :
Le Port de Québec offre ses services dans la langue officielle choisie par les clients et la langue de travail y est le français. Le Port de Québec compte 65 employés dont trois sont anglophones.

Société du Port d'Halifax :
Le Port d'Halifax ne sert sa clientèle qu'en anglais même si certains de ses clients (en provenance de Saint-Pierre-et-Miquelon, par exemple) ne parlent pas cette langue. Il serait nécessaire pour assurer la sécurité des équipages ne parlant que le français, que ce port se dote d'une capacité bilingue. Les employés y travaillent en anglais seulement puisqu'ils sont tous anglophones.

Nous avons reçu une plainte touchant la publicité dans la presse de langue officielle minoritaire, laquelle a été résolue.

Société canadienne des postes*

La Société canadienne des postes a déployé de nombreux efforts en vue d'améliorer sa situation en matière de langues officielles, qui lui ont d'ailleurs valu un certain succès en 1988. Nous avons reçu moins de plaintes concernant la qualité du service au comptoir grâce, entre autres, à l'amélioration du système visuel permettant aux clients de repérer les points de service bilingue, mis en place à la suite des plaintes formulées en 1986 et 1987. Cela dit, le niveau insuffisant de bilinguisme des surveillants demeure le principal obstacle pour les employés désireux de travailler dans leur langue officielle d'élection ; en outre, les compressions du personnel n'ont pas permis de réduire l'écart de participation entre les deux groupes linguistiques.

En 1987, nous avons fait part de nos préoccupations à l'égard des dispositions de la convention collective conclue entre la Société et les postiers, qui accordaient la priorité au droit d'ancienneté de l'employé sur tous les autres facteurs, y compris la capacité bilingue et ce, même pour la dotation des postes désignés bilingues des préposés aux comptoirs. La nouvelle convention collective, signée à la suite d'un arbitrage obligatoire en 1988, a rétabli quelque peu la situation pour les clients de certains centres, qui ont vu la capacité bilingue de leur bureau de poste disparaître du jour au lendemain. Désormais, les employés qui obtiennent un poste plus intéressant en vertu de leur ancienneté, doivent obligatoirement occuper leur nouveau poste pendant une période minimale d'un an. Cette mesure devrait assurer un minimum de continuité du service bilingue, même si les titulaires peuvent passer jusqu'à la moitié de cette période en formation linguistique, comme la convention collective leur en donne le droit. Les employés unilingues occupant un poste au moment où celui-ci est désigné bilingue sont désormais tenus de respecter cette exigence dans un délai raisonnable, faute de quoi ils peuvent être mutés dans un poste unilingue. La clause qui aurait permis à la Société de remplacer ces gens par des préposés qui auraient répondu aux exigences linguistiques de leur poste n'a pas survécu à l'arbitrage, de sorte que la capacité du personnel de servir les clients dans la langue officielle de leur choix pose toujours un problème que la Société cherche encore à résoudre. Les principales difficultés soulignées l'an dernier au sujet de l'absence de service en français à Dieppe, au Nouveau-Brunswick, et à Kingston, en Ontario, semblent

avoir été surmontées. Cependant, c'est maintenant un bureau de poste d'Edmonton qui pose des problèmes, puisqu'il a fait l'objet de 13 plaintes en 18 mois.

À notre avis, le bureau de poste principal de toutes les capitales provinciales et territoriales devrait posséder une capacité bilingue. En 1988, la Société a réalisé une percée à Yellowknife, mais à Regina, pour obtenir un service en français, il faut encore s'adresser à des comptoirs postaux situés à l'intérieur d'entreprises privées.

La convention collective ne s'applique qu'aux bureaux de poste exploités directement par la Société. Celle-ci dessert de plus en plus sa clientèle par l'intermédiaire de comptoirs postaux. Dans les régions où elle a observé une importante demande de service dans les deux langues officielles, la Société demande aux exploitants de franchise de signer un engagement formel de fournir en tout temps un service bilingue. Si nous nous fions au nombre de plaintes que nous avons reçues à titre d'indice de la qualité du service, peu d'exploitants ont manqué à leurs obligations linguistiques.

En 1988, la Société a mis en œuvre un programme permettant aux clients de ramasser les envois recommandés qui n'ont pu être livrés à leur résidence à des comptoirs postaux qui ont des heures d'ouverture plus longues que celles des bureaux de poste, et sont souvent mieux situés. Malheureusement, les clients ont dû, dans certains cas, prendre leur courrier dans des endroits où le service dans leur langue n'était pas disponible, faute de demande importante. À Winnipeg, un client a demandé qu'on renvoie son courrier recommandé dans un bureau de poste capable de fournir un service bilingue, parce qu'il ne pouvait être servi en français dans une pharmacie. On lui a répondu que sa demande allait à l'encontre de la politique de la Société et, avant même que celle-ci puisse se raviser, la lettre fut retournée à l'expéditeur, en l'occurrence Revenu Canada. La Société nous a assuré que dans de telles circonstances, elle inclura une clause linguistique lorsque les contrats de franchise seront renégociés, mais cela ne suffira peut-être pas à éviter d'autres plaintes.

Les résultats obtenus à la suite de mini-enquêtes concernant les comptoirs postaux d'Ottawa et de Montréal se sont avérés un peu plus encourageants. Les 11 comptoirs visités à Ottawa étaient en mesure d'offrir le service dans les deux langues, même s'il a fallu attendre un peu pour être servi en français dans deux d'entre eux. À Montréal, seulement quatre des 29 comptoirs que nous avons visités, tous situés à l'intérieur d'entreprises privées, n'ont pu offrir un service bilingue. Ces quatre comptoirs étaient situés dans des secteurs à prédominance anglophone et c'était le service en français qui manquait.

Les nombreuses plaintes portées contre la Société ne sont pas toujours dues à de graves problèmes systémiques comme ceux que nous venons de décrire. Pendant

des années, la Société s'est fixé comme objectif de rendre bilingues toutes les marques officielles sur le courrier. Elle utilise des milliers de tampons de caoutchouc au Canada. Il semble que l'anglais ait la priorité sur tous les tampons bilingues utilisés au Québec, et que même certains soient unilingues anglais. Un grand nombre de clients en sont offusqués.

Un autre aspect du service qui continue à exaspérer les clients est le manque d'offre active des services bilingues. L'utilisation des affiches internes indiquant ce service s'est nettement améliorée, mais il reste que, pour une raison quelconque, même les préposés francophones se sentent obligés d'aborder les clients en anglais seulement. À cet égard, nos visites ont confirmé les dires des plaignants. La Société nous a dit et répété que les préposés s'étaient fait rappeler leurs obligations linguistiques, mais des rappels plus fermes s'imposent manifestement dans les bureaux de poste de la Société, et plus encore dans les comptoirs postaux où les nouveaux clients ne savent pas nécessairement que le service est disponible dans les deux langues.

Même si la Société s'est fermement engagée à créer un milieu de travail bilingue, l'anglais est l'unique langue de travail à l'extérieur du Québec pour presque l'ensemble des employés. Dans son Plan des langues officielles, la Société a reconnu que la présence de surveillants unilingues était un problème important. En 1988, seulement 797 des 1 071 surveillants (74,4 p. 100) répondaient aux exigences linguistiques de leur poste. La situation est particulièrement critique à l'administration centrale, où 178 des 415 surveillants (42,9 p. 100) ne satisfaisaient pas aux exigences. Il en est de même dans le nord et l'est de l'Ontario, ainsi que dans la région de la Capitale nationale tant du côté du Québec que de l'Ontario, où 77 des 187 surveillants (41,2 p. 100) ne possèdent pas la compétence linguistique requise. La Société a adopté une politique qui oblige tous les titulaires d'un poste bilingue non assujetti aux conventions collectives, à répondre aux exigences linguistiques de leur poste au moment de leur nomination. Puisque de nombreux surveillants et gestionnaires sont touchés par cette mesure, la situation devrait s'améliorer. Par ailleurs, nous estimons que les surveillants devraient avoir la priorité pour la formation linguistique.

La Société a marqué deux bons points dans le domaine de l'informatique. D'abord, elle a dépassé son objectif de rendre bilingue la moitié de sa documentation, de ses logiciels et de ses manuels d'informatique. Elle a également publié deux guides terminologiques bilingues en 1988, l'un cartonné et l'autre dans un cahier à anneaux.

Dans chacune des régions, la Société s'est fixé comme objectif de parvenir à une participation équitable de ses employés de manière à refléter la répartition linguistique de la population régionale. Au niveau national, son effectif se chiffrait, en 1988, à 64 701 employés, dont 47 931 (74,1 p. 100) se déclaraient anglophones et 16 770 (25,9 p. 100) francophones. L'administration centrale compte

un pourcentage plus élevé de francophones (829 sur 2 629, soit 31,5 p. 100). Cependant, les taux de participation ne sont voisins des pourcentages de la répartition linguistique de la population régionale qu'à l'administration centrale et à la Division Rideau (nord et est de l'Ontario et région de la Capitale nationale). Dans la région de l'Atlantique, les employés francophones de la Société ne sont encore que 5,2 p. 100 de l'effectif, soit beaucoup moins que l'objectif de 12,5 p. 100, fondé sur les résultats du recensement de 1981. Dans les autres régions, l'écart est encore plus grand. Ainsi, à Montréal, les anglophones ne forment que 2,1 p. 100 de l'effectif, alors que l'objectif est de 16,2 p. 100. À Toronto, la participation des francophones n'est que de 19 sur 12 670, soit moins de 0,2 p. 100. Ces statistiques n'ont à peu près pas changé par rapport à celles de 1987, et il est illusoire de penser à des changements importants puisque l'effectif continue de diminuer. Une bonne nouvelle : la mise en service d'une base de données — d'importance vitale — sur le personnel, qu'on attendait depuis longtemps. Elle fournira une meilleure base pour la prise de décisions à ce sujet.

La gestion du programme des langues officielles semble vouloir s'attaquer aux problèmes qui subsistent au sein de la Société depuis des années. Sous la direction du Comité directeur des langues officielles, l'imputabilité des gestionnaires a été augmentée, et les objectifs du programme sont désormais intégrés à la vérification interne. Enfin, la Société a enjoint les gestionnaires d'évaluer le rendement de leurs subordonnés en matière de langues officielles et à cette fin, a conçu un nouveau formulaire d'évaluation.

Le traitement des plaintes a pris du retard au milieu de l'année 1988 car les conseillers juridiques de la Société s'étaient lancés dans un examen détaillé des implications de la *Loi sur les langues officielles* de 1988 et du programme postal de franchisage, mais à la fin de l'année, le délai de traitement s'était nettement amélioré.

En 1988, la Société a fait l'objet de 252 plaintes, dont 14 ont été rejetées sur réception. Le traitement de dix autres a été interrompu après qu'une enquête préliminaire eut prouvé qu'il n'y avait pas d'infraction à la Loi. Nous avons donc fait enquête sur 238 plaintes (205 en 1987), dont 223 portaient sur le service au public, 11 sur la langue de travail et quatre sur divers aspects de la gestion du programme des langues officielles. Le nombre de plaintes au sujet du service au comptoir a chuté de 95 en 1987 à 78 en 1988, mais il y a eu plus de 100 plaintes sur les communications visuelles et les marques officielles sur le courrier. La Société a fort bien collaboré avec nos enquêteurs au règlement des plaintes.

Société canadienne d'hypothèques et de logement

La Société canadienne d'hypothèques et de logement (SCHL) a élaboré cette année des mesures qui devraient permettre aux gestionnaires de redresser la

situation linguistique de l'institution. La Société a marqué des points au chapitre de la langue de travail, mais le français demeure sous-utilisé au Bureau national. Au Québec, des progrès s'imposent au niveau de la participation des Canadiens d'expression anglaise.

La SCHL offre ses services dans les deux langues officielles tant au Bureau national qu'aux bureaux désignés bilingues. Quelques bureaux dits unilingues peuvent aussi répondre, jusqu'à un certain point, à des demandes dans la langue officielle minoritaire. Toutefois, le nombre d'employés bilingues en région, en excluant le Québec, ne suffit pas pour garantir dans tous les bureaux l'accessibilité des services en français. En effet, 40,7 p. 100 (55 sur 135) des titulaires de poste requérant l'anglais et le français pour le service au public ne satisfont pas aux exigences linguistiques. Notons cependant que la situation s'est améliorée puisque ce taux s'élevait à 49 p. 100 en 1987. Afin de régler le problème, la Société a mis l'accent sur la formation linguistique et offre à ses employés un large éventail de cours de langue seconde. De plus, elle s'efforce de combler ses postes bilingues par des candidats qui répondent déjà aux exigences linguistiques requises. Pour sa part, le bureau régional de Winnipeg a mis sur pied un Comité des services bilingues pour améliorer les services à la clientèle.

En matière de langue de travail, la SCHL a pris des mesures pour améliorer le statut du français. Les manuels d'usage courant sont disponibles dans les deux langues officielles. Les documents internes sont maintenant publiés plus souvent en français et en anglais et les réunions se tiennent de plus en plus dans les deux langues officielles. Afin d'encourager les employés bilingues, francophones et anglophones du Bureau national à travailler en français, la haute direction a encouragé la tenue des « Journées en français ». Pendant une journée, les employés de chacun des secteurs doivent accomplir leurs tâches en grande partie en utilisant le français. Toutefois, le taux élevé (28,7 p. 100) de surveillants unilingues anglais occupant des postes bilingues au Bureau national constitue un handicap sérieux à l'usage du français. Les cours de formation et de perfectionnement internes sont disponibles sur demande dans les deux langues officielles, mais ceux donnés en français ne semblent pas très populaires, particulièrement dans le domaine de l'informatique où toutes les sessions se sont déroulées en anglais, exception faite au Québec. La Société devra faire preuve de dynamisme dans ce domaine pour améliorer la situation.

Dans l'ensemble, l'effectif de la Société, qui compte 70,4 p. 100 (1 962) d'employés d'expression anglaise et 29,6 p. 100 (824) d'expression française, est assez équilibré entre les deux groupes linguistiques, puisque 38,4 p. 100 des employés travaillent au Bureau national situé à Ottawa. En ce qui a trait à la haute direction, on compte dix francophones sur un total de 34 employés (29,4 p. 100). Par contre, on en compte seulement 52 sur 268 au niveau des cadres supérieurs (19,4 p. 100). Aux échelons inférieurs, la participation des anglophones n'atteint que 66,6 p. 100 (1 041 sur 1 563). Au plan régional, il y a

une pénurie sévère d'anglophones au Québec puisqu'ils ne constituent que 2,8 p. 100 (11 sur 392) du personnel.

La gestion du programme des langues officielles s'est améliorée grâce à l'appui ferme de la haute direction et à l'intégration des objectifs linguistiques aux activités opérationnelles. Les cadres supérieurs sont tenus responsables de la mise en œuvre du programme et de l'atteinte des objectifs de la Société dans leurs secteurs respectifs. Toutefois, la Société reconnaît qu'elle doit améliorer ses mécanismes de contrôle, en particulier en matière de langue de travail, si elle veut réaliser ses objectifs. L'évaluation du programme des langues officielles fait partie des vérifications des opérations internes. Toutefois, les critères de référence sont incomplets et ne permettent pas aux vérificateurs de couvrir tous les aspects du programme. C'est sans doute pourquoi tous les rapports des vérifications internes effectuées en 1988 ne comportent pas de recommandations sur les langues officielles. On y mentionne seulement que les politiques ont été respectées.

Nous avons reçu 11 plaintes contre la SCHL cette année comparativement à 15 l'an dernier. Toutes portaient sur le service au public : trois concernaient la correspondance unilingue anglaise envoyée à un journal, quatre dénonçaient l'absence de publication d'une annonce dans un journal de langue minoritaire, une faisait état de l'émission d'un formulaire unilingue anglais, deux reprochaient l'accueil téléphonique unilingue anglais et une dernière dénonçait la mauvaise qualité du français sur un tableau d'affichage.

Solliciteur général*

Le Secrétariat du ministère du Solliciteur général a un retard important à rattraper pour assurer au français une place équitable dans ses opérations. La haute direction est sensibilisée aux langues officielles, mais un certain nombre de cadres et d'employés n'en ont pas encore saisi l'importance. La participation globale des deux groupes est satisfaisante, mais les employés de langue française sont concentrés dans la catégorie Soutien administratif alors qu'on en compte seulement un parmi les 19 gestionnaires supérieurs. La place du français comme langue de travail y est en conséquence fort réduite. Ce sont là les principales conclusions préliminaires qui découlent de la vérification que nous sommes à effectuer auprès du Secrétariat et dont nous avons fait part à la haute direction. Le Comité de gestion supérieure est heureusement à développer des plans d'action en vue d'améliorer la situation.

Le Secrétariat dispose, dans son ensemble, d'une bonne capacité bilingue. Plus de 70 p. 100 des 210 postes exigent le bilinguisme, et 87 p. 100 des titulaires de ces postes satisfont aux normes requises. D'ailleurs, le Secrétariat a fait des efforts méritoires en 1988 pour accroître le nombre d'employés bilingues. Vingt-cinq des 26 personnes nommées à des postes bilingues indéterminés durant les dix premiers mois de l'année répondaient aux normes de leur poste.

On note malgré tout des lacunes sectorielles importantes. Quatre des six bureaux régionaux, dont ceux de Toronto et Saskatoon (qui dessert le Manitoba) n'ont pas de personnel bilingue. Soulignons cependant que le Secrétariat considère sérieusement exiger une capacité bilingue dans chaque bureau. Comme plusieurs postes sont présentement vacants dans les régions, le Secrétariat sera en mesure de remédier prochainement à la situation. À l'administration centrale, la capacité bilingue est acceptable dans les secteurs des Communications, de la Planification et de la Gestion, mais plus faible dans les secteurs opérationnels notamment celui des Affaires correctionnelles. Le Secrétariat doit s'attaquer à une autre lacune importante, soit l'unilinguisme anglais d'un certain nombre (entre 10 et 15 p. 100) de ses rapports pour spécialistes qui sont mis à la disposition des chercheurs. Le Secrétariat est à mettre à jour sa politique dans ce domaine et il entend en surveiller plus étroitement sa mise en œuvre.

C'est au chapitre de la langue de travail que la situation laisse le plus à désirer. En effet, même si les deux langues sont utilisées couramment dans le secteur de la planification et de la gestion, le français est peu utilisé dans les deux secteurs opérationnels (Police et Sécurité et Affaires correctionnelles). Les réunions, la rédaction de documents et la surveillance s'y font presque exclusivement en anglais. Les notes de service au personnel et à la région du Québec sont aussi souvent unilingues. Les services internes et centraux sont cependant disponibles dans les deux langues.

Cet état de choses s'explique principalement par les éléments suivants : le peu de cadres d'expression française, la forte tendance traditionnelle d'utiliser l'anglais au sein du Secrétariat, et le bilinguisme insuffisant ou l'unilinguisme des surveillants. En effet, neuf des 46 surveillants (19,6 p. 100) ne répondent pas aux normes de bilinguisme requises. Ainsi, le surveillant d'une section qui regroupe plus de 15 employés, dont sept d'expression française, ne peut assurer l'encadrement en français. S'il est vrai que l'anglais occupe une très large place dans les secteurs d'activités du Secrétariat, cela ne signifie pas qu'il soit impossible d'accorder davantage de place au français. Or, peu a été fait, au cours des dernières années, pour promouvoir l'usage de cette langue. Conséquemment, les employés d'expression française ne se sentent pas à l'aise dans un milieu qui ne favorise pas leur épanouissement. Les efforts entrepris depuis quelques mois à ce sujet révèlent la volonté du Secrétariat de changer la situation.

Les Canadiens d'expression anglaise comptent pour 70 p. 100 de l'effectif et ceux d'expression française pour 30 p. 100, ce qui est acceptable puisque 90 p. 100 du personnel travaille dans la région de la Capitale nationale où est recruté très largement le personnel de soutien. On note cependant des déséquilibres importants entre les catégories d'emploi. Un seul des 19 membres de la gestion supérieure est francophone et parmi les 20 spécialistes, ils ne sont que deux. En fait, les employés d'expression française sont très largement concentrés dans la catégorie Soutien administratif (36 sur 63, ou 57,1 p. 100) et dans le secteur de

la planification et de la gestion. Leur participation est plutôt faible dans les secteurs opérationnels.

La haute direction a heureusement entrepris des démarches pour corriger cette situation. On a notamment établi des liens plus étroits auprès des institutions d'enseignement de langue française spécialisées en criminologie et auprès des autres institutions fédérales œuvrant dans des domaines similaires, en vue d'attirer davantage de candidats francophones pour les postes de gestionnaires supérieurs et de spécialistes. Ces efforts arrivent à point, d'autant plus qu'il y a actuellement plusieurs postes à combler au sein du Secrétariat. Ils devront être soutenus, car l'argument que tout se fait en anglais dans le domaine de la criminologie est assez répandu au sein du Secrétariat.

Le Secrétariat doit aussi consacrer davantage d'importance à la gestion du programme des langues officielles. On est à établir des objectifs pour les différents secteurs, mais il faudrait aussi regrouper les différentes directives dans une politique globale sur les langues officielles qui pourrait servir de paramètre à cet égard. Vu l'ampleur des problèmes, il incombe à la gestion d'assurer un contrôle serré durant la mise en œuvre des objectifs et d'assigner quelqu'un spécifiquement à cette tâche.

Le Secrétariat a fait l'objet de quatre plaintes en 1988. Deux portaient sur un dépliant préparé en collaboration avec la ville d'Edmonton, rédigé en huit langues, mais sans trace de français. Les deux autres touchaient l'accueil téléphonique en anglais seulement, une au centre de consultation à Edmonton et l'autre à Ottawa. Le Secrétariat a été lent à régler ces questions.

Statistique Canada*

Cette année encore, Statistique Canada s'est distingué par son rendement en matière de langues officielles. L'organisme a maintenu sa forte capacité bilingue et a mis de l'avant diverses mesures afin de surmonter les difficultés qui persistent du côté de la langue de travail. Quoique satisfaisante dans l'ensemble, la participation des Canadiens des deux groupes linguistiques connaît des déséquilibres dans certaines catégories d'emploi.

Grâce au haut degré de bilinguisme que l'on trouve dans l'organisme — des 1 861 postes occupés comportant des fonctions de service au public, 1 145 (61,5 p. 100) sont comblés par des titulaires bilingues — et à la présence de personnel bilingue dans toutes les régions, l'ensemble du public canadien a accès aux services de renseignements statistiques dans la langue officielle de son choix. Les publications, tout comme les questionnaires utilisés aux fins des nombreuses enquêtes, sont bilingues ou indiquent la disponibilité du document dans l'autre langue officielle lorsqu'il s'agit d'éditions distinctes. En ce qui concerne les enquêtes effectuées au téléphone ou en personne, Statistique Canada s'assure

des services d'enquêteurs bilingues dans les régions où 10 p. 100 ou plus de la population est de langue officielle minoritaire. De notre point de vue, cette exigence de 10 p. 100 devrait être abaissée. Des mécanismes sont néanmoins en place, de sorte que toute demande adressée en français ou en anglais reçoive une réponse dans la langue appropriée. Afin de promouvoir davantage l'offre active du service bilingue, une vérification interne de Statistique Canada, éminemment sensée, recommande que tous les formulaires d'enquête mis à la disposition des enquêteurs comportent une question sur la préférence linguistique des répondants, comme cela se fait déjà pour l'enquête sur la population active.

Le français s'emploie couramment aux bureaux de Montréal et de Sturgeon Falls (Ontario). Bien que les services centraux et du personnel, de même que les documents de travail d'usage courant soient disponibles dans les deux langues officielles, le français n'est utilisé comme langue de travail principale que dans quelques unités de la région de la Capitale nationale, où se concentrent quelque 90 p. 100 des employés. La proportion de surveillants qui ne répondent pas aux exigences linguistiques de leur poste bilingue reste problématique puisqu'elle se maintient au taux élevé de 21 p. 100, et que les dispositions administratives mises en place se révèlent bien souvent inopérantes face à cette situation. Statistique Canada incite donc les surveillants ayant échoué à l'examen de langue seconde à recevoir une formation linguistique. Par ailleurs, des titulaires qualifiés de postes de surveillance bilingues ont profité des cours spéciaux mis à leur disposition afin d'améliorer leur compétence en langue seconde, en fonction de leurs besoins respectifs.

L'usage répandu des ordinateurs a une influence considérable sur le régime linguistique au bureau. Pour s'en convaincre, il suffit de savoir qu'on trouve 1 300 micro-ordinateurs à Statistique Canada, l'équivalent d'un appareil pour quatre employés. En principe, la plupart de ces instruments peuvent fonctionner en français ou en anglais. Il en va de même pour environ 70 p. 100 des terminaux rattachés au système informatique central. Cependant, la pénurie de logiciels en français amène le plus souvent les utilisateurs à opter pour l'anglais. Statistique Canada se propose d'effectuer une enquête approfondie de la situation en 1989, si les ressources le permettent.

Statistique Canada compte 4 444 employés dont 1 629 (36,7 p. 100) déclarent le français comme première langue officielle. La forte participation francophone s'explique du fait que l'organisme recrute une importante partie de son effectif dans la région de la Capitale nationale où les Canadiens d'expression française forment quelque 35 p. 100 de la population. Il n'en reste pas moins que la participation d'employés francophones se situe au-dessous de la moyenne dans la catégorie Gestion (22,2 p. 100), alors qu'elle demeure trop élevée dans la catégorie Soutien administratif (41,6 p. 100). Bien que toujours faible, la participation d'employés d'expression anglaise dans la région du Québec affiche une remontée intéressante (8,6 p. 100 cette année contre 5,6 p. 100 en 1987).

Le programme des langues officielles repose sur des bases solides, mais la compression du personnel rattaché à la Division des langues officielles, au niveau des agents surtout, limite la possibilité de mettre en œuvre des projets spéciaux, en matière de langue de travail par exemple. Les langues officielles font partie du programme de vérification interne de l'organisme. Elles font donc l'objet d'un examen périodique par des vérificateurs qui sont choisis en fonction de leur spécialité et de leur expérience, et aussi de leur connaissance du sujet.

Quatorze plaintes ont été reçues à l'endroit de Statistique Canada en 1988, comparativement à 30 l'année dernière. Douze d'entre elles avaient trait à divers aspects de la langue de service, notamment à l'affichage et aux publications. L'organisme accorde un traitement rapide et efficace à toutes les plaintes dont il est saisi.

Transports*

La situation du bilinguisme au ministère des Transports en 1988 serait comparable à celle déjà peu enviable des années précédentes, si ce n'était de la lourdeur administrative de plus en plus manifeste qui entoure la mise en œuvre du programme. Cela est d'autant plus déplorable que Transports Canada a démontré de façon non équivoque, à l'occasion des Jeux olympiques d'hiver de Calgary, que l'organisation et la mise en place de bons services bilingues dans un aéroport ne tenaient pas du prodige.

Deux grands programmes élaborés à l'intention du public ont retenu notre attention durant l'année, soit le plan de bilinguisation des services de contrôle aérien à l'aéroport international d'Ottawa et la dimension linguistique des consignes de sécurité destinées aux passagers des avions. On se souviendra que le Ministère a inauguré, en octobre 1987, des services bilingues d'information de vol dans la région de la Capitale nationale. Cette réalisation marquait la première étape du plan de bilinguisation des services du contrôle aérien de l'aéroport d'Ottawa et permettait désormais aux pilotes d'obtenir des prévisions météorologiques et des plans de vol dans la langue officielle de leur choix. La deuxième étape qui consiste à assurer les opérations de vol à vue en français comme en anglais devait être franchie à l'automne 1988. Toutefois, selon Transports Canada, un minimum de 12 contrôleurs bilingues est nécessaire afin d'être en mesure d'offrir un tel service. Ce nombre n'a pas encore été atteint. Trois ans après l'annonce du programme, le premier aéroport bilingue à l'extérieur du Québec reste donc à venir, une situation d'autant plus inacceptable que c'est la capitale du Canada qui en fait les frais.

Bien que le public voyageur ne cesse de porter plainte au sujet des annonces de sécurité unilingues à bord des avions survolant le territoire canadien, le « Règlement de l'air » reste inchangé et n'oblige toujours pas les transporteurs aériens à fournir verbalement à leurs passagers les consignes de sécurité d'usage

dans les deux langues officielles. Transports Canada ne pourra négliger cette lacune en vertu des nouvelles dispositions de la *Loi sur les langues officielles*, qui visent à assurer au public, en matière de santé ou de sécurité, le droit de recevoir des services en français et en anglais de la part de sociétés réglementées par le Ministère.

En général, le public ne communique pas avec les bureaux administratifs du Ministère. Dans les aéroports, tous les services offerts aux voyageurs, comme le stationnement, la restauration, la location de voitures, le transport en taxi, ainsi que les kiosques à journaux et revues, sont assurés par des tiers. Si bon nombre de ces derniers sont, en vertu de leur contrat, obligés de dispenser leurs services dans les deux langues officielles, le nombre de plaintes que nous recevons porte à croire que Transports Canada mise encore trop sur la bonne volonté des tierces parties, tout en fermant les yeux sur les dérogations systématiques.

Les difficultés relatives à l'affichage dans les aéroports, notamment en ce qui a trait à la qualité des messages en français et en anglais, sont finalement en voie de se résorber. Le Ministère a en effet distribué aux directeurs régionaux et aux directeurs d'aéroport un lexique entièrement remis à jour qui normalise la signalisation dans les deux langues officielles à travers le pays.

Le français a sa place comme langue de travail au Québec et au service du personnel de l'administration centrale, mais il en est autrement dans l'ensemble des régions bilingues. Il faut préciser que la forte proportion de surveillants unilingues occupant des fonctions bilingues (337 sur 1 434, soit 23,5 p. 100) et la sous-participation marquée des francophones aux postes de gestion (17,3 p. 100) ne permettent pas d'améliorer la situation. La diffusion d'instruments de travail bilingues ne pose généralement pas de problème. Cependant, il arrive encore que des notes de service soient distribuées en anglais seulement à des employés de l'administration centrale et des régions. Le Ministère dit réagir avec célérité aux plaintes internes qu'il reçoit à ce propos. Toutefois, le prétendu contrôle qu'il effectue n'est ni une mesure préventive ni un moyen efficace de promouvoir les deux langues officielles au travail.

Transports Canada compte 19 668 employés dont 4 372 (22,2 p. 100) francophones. La sous-participation francophone se manifeste dans toutes les catégories d'emploi, mises à part celles de l'administration et du service extérieur et du soutien administratif. C'est toutefois dans la région de la Capitale nationale que la faiblesse de la participation francophone se fait le plus sentir. À titre d'exemple, à peine 18 p. 100 des 161 employés faisant partie de la gestion à l'administration centrale sont francophones. Cette proportion chute à 14,7 p. 100 dans la catégorie Scientifiques et spécialistes et à 15,5 p. 100 dans la catégorie Technique.

Le ministère des Transports a encore beaucoup de travail à accomplir afin de satisfaire aux dispositions de la *Loi sur les langues officielles* de 1988 et il n'est

pas évident que l'intégration administrative des langues officielles soit de nature à rendre au programme la visibilité et le leadership dont il a besoin.

Cent plaintes ont été portées contre le Ministère en 1988, comparativement à 84 l'année dernière. La plupart avaient trait au secteur aérien et mettaient le plus souvent en cause les annonces de sécurité à bord des avions en territoire canadien et les services dans les aéroports. Cinq personnes se sont plaintes de la langue de travail, que ce soit à cause des exigences linguistiques de certains postes, des communications entre les bureaux ou encore des instruments de travail. En général, le règlement de ces plaintes demeure quelque peu laborieux.

Travail

En 1988, la situation linguistique du ministère du Travail s'est améliorée. Ainsi, les langues officielles ont gravi l'ordre de ses priorités et il a mis en œuvre certaines recommandations proposées dans notre rapport de vérification de 1985. Malgré les efforts déployés par l'organisme en vue de rendre certains de ses services bilingues, il lui reste encore des améliorations à apporter en matière de langue de service, de langue de travail et de pleine participation des deux groupes linguistiques.

Au chapitre du service au public, Travail Canada a déployé des efforts pour faciliter l'accès à des services en français aux fonctionnaires fédéraux des provinces unilingues anglaises qui ont été victimes d'accidents de travail. Le Ministère s'est également engagé à rehausser la capacité bilingue du Bureau de la main-d'œuvre féminine. Toutefois, les deux plaintes reçues cette année, qui ont d'ailleurs été réglées favorablement, soulignent l'importance pour le Ministère d'identifier avec plus de précision la préférence linguistique de sa clientèle des régions bilingues.

Par ailleurs, Travail Canada devrait graduellement hausser les exigences linguistiques de ses postes bilingues afin qu'ils reflètent davantage la véritable capacité de l'organisme de servir équitablement les Canadiens d'expression française et anglaise. En effet, alors que 262 de ses employés (31 p. 100) ont une connaissance supérieure de leur langue seconde, seulement 71 des postes occupés (8,4 p. 100) exigent le niveau linguistique supérieur. La majorité des employés qui s'expriment couramment dans les deux langues est en poste dans la région de la Capitale nationale. Les autres sont répartis dans les bureaux régionaux (sauf celui de Vancouver) qui emploient au moins une personne possédant un niveau de compétence supérieur dans sa langue seconde (Winnipeg 1, Toronto 6, Québec 20 et Atlantique 18).

Le Ministère a encore des efforts à faire en matière de langue de travail. La situation a en effet peu évolué depuis 1985. À l'administration centrale, les équipes de travail œuvrent habituellement en anglais, les réunions se déroulent

presque exclusivement en anglais et la documentation qui y est distribuée est rédigée également dans cette langue. Malgré les efforts des employés responsables des langues officielles, la situation n'a pu être améliorée. Ainsi, les cartons rappellant aux employés qu'ils peuvent utiliser les deux langues durant les réunions n'avaient pas encore été publiés à la fin de l'année et l'identification des documents de travail unilingues reste incomplète malgré notre recommandation à cet effet. En ce qui a trait à la surveillance, nous avons également noté des lacunes, 20 p. 100 des surveillants n'étant pas bilingues. Par ailleurs, le Ministère a révisé l'identification linguistique des postes bilingues, notamment ceux occupés par les surveillants, et il a inscrit certains d'entre eux à la formation linguistique.

La participation globale des employés francophones (32,4 p. 100) au Ministère demeure trop élevée et résulte de leur forte proportion dans la catégorie Soutien administratif au siège (48,6 p. 100) et de la pénurie d'employés anglophones au Québec (2 sur 67). En outre, il y a surnombre des francophones au Nouveau-Brunswick (62,5 p. 100). Soulignons par contre que, pour l'ensemble du Ministère, le pourcentage de francophones dans la catégorie Gestion a augmenté de plus de 2 p. 100, passant de 18,4 p. 100 à 20,6 p. 100.

Au chapitre de l'administration du programme, les langues officielles figurent enfin parmi les critères de la Direction de la vérification interne. D'ailleurs, cette dernière se servira de ces critères au cours de 1989. Deux postes et demi sont maintenant consacrés aux langues officielles, ce qui constitue une amélioration par rapport à l'an dernier. Le Ministère a publié en fin d'année un condensé de politiques sur les langues officielles. Ce condensé a permis de combler une lacune et correspond à l'une des recommandations de notre rapport de vérification de 1985. À la fin de l'année, 11 des 14 recommandations de ce rapport avaient été mises en œuvre.

Deux plaintes seulement ont été portées contre Travail Canada en 1988, en comparaison avec cinq en 1987.

Travaux publics

Le ministère des Travaux publics a fait des progrès considérables depuis 1986. Des mesures valables ont été prises dans plusieurs secteurs, mais les difficultés qu'éprouvent les francophones à travailler dans leur langue et la trop grande proportion d'employés et de surveillants qui ne répondent pas aux exigences linguistiques de leur poste sont des problèmes auxquels il faut s'attaquer.

Un projet de politique sur la production des appels d'offres a été préparé, ce qui satisfait aux conditions d'une des recommandations de notre vérification de 1983. La nouvelle politique sera plus souple que l'ancienne, et elle obligera le Ministère à produire dans les deux langues officielles, tous les documents

utilisés pour les appels d'offres, y compris les plans et les devis, dans la région de la Capitale nationale, dans le nord du Nouveau-Brunswick et dans la région métropolitaine de Montréal, ainsi que dans toutes les régions du Canada où la publicité pourrait attirer des soumissionnaires de la langue minoritaire. Les appels d'offres et les avis d'expropriation sont désormais publiés dans les deux langues partout au Canada et font aussi régulièrement l'objet d'annonces dans la presse de langue officielle minoritaire. Le Ministère est rapidement intervenu pour résoudre les problèmes survenus à cet égard en Nouvelle-Écosse.

L'effectif du Ministère s'élève à 7 987 employés, dont 1 798 (22,5 p. 100) occupent des postes bilingues et travaillent, pour la plupart, dans la région de la Capitale nationale, au Nouveau-Brunswick, et dans les villes de Québec et de Montréal. Ce qui inquiète le plus est le nombre élevé d'employés (401, soit 22,3 p. 100) ne satisfaisant pas aux exigences linguistiques de leur poste alors que ces postes n'exigent que les niveaux élémentaire (16,3 p. 100) et intermédiaire (72,5 p. 100) de compétence en langue seconde.

En principe, le français et l'anglais sont d'usage à titre de langues de travail au Ministère. Cependant, celui-ci reconnaît qu'il est souvent difficile pour les francophones affectés à l'extérieur du Québec de passer de la théorie à la pratique. Afin de favoriser un usage plus répandu du français dans le milieu de travail, le Ministère a créé un service spécial d'aide aux employés anglophones désirant rédiger dans leur langue seconde. Certains employés francophones ont profité de ce service pour rafraîchir leur aptitude à rédiger dans leur langue. Le Ministère s'efforce aussi de faire en sorte que ses employés puissent suivre des cours de gestion et d'autres cours de perfectionnement dans leur langue d'élection. À cet égard, le Ministère assume les frais de déplacement et de séjour de l'employé au besoin.

Aux niveaux inférieurs de la catégorie Exploitation, il n'y a que très peu de surveillants bilingues. Cependant, les surveillants de cette catégorie d'emploi peuvent s'inscrire à un cours de langue mis sur pied par le collège Algonquin et spécialement conçu pour aider le Ministère à résoudre ce problème. Afin d'être en mesure de recruter du personnel provenant des deux collectivités linguistiques et de donner aux employés l'occasion de travailler dans leur langue, le Ministère organise les équipes de travail en fonction de la langue des employés. En outre, tous les postes à ces niveaux sont « réversibles », afin de pouvoir être occupés indifféremment par un employé francophone ou anglophone. L'employé est par conséquent affecté à une équipe qui travaille et qui est encadrée dans sa langue. Il s'agit là d'une solution originale pour remédier à un problème complexe.

Toutes ces mesures sont louables, mais elles ne suffisent pas à créer un milieu de travail favorisant vraiment un usage équitable des deux langues dans tous les secteurs du Ministère. Pour progresser davantage, le Ministère doit trouver les moyens appropriés pour encourager plus de cadres à devenir bilingues.

Actuellement, 27,2 p. 100 d'entre eux (211 sur 775) ne satisfont pas aux exigences linguistiques de leur poste. Dans ces conditions, il va sans dire qu'il est difficile d'établir un régime linguistique viable et équitable.

Les francophones constituent 27,3 p. 100 de l'effectif du Ministère, ce qui est intéressant étant donné que la moitié des employés sont affectés hors de la région de la Capitale nationale et du Québec. Dans les régions, les francophones sont un peu moins nombreux qu'ils ne devraient l'être partout, sauf dans la région de la Capitale nationale, dans le nord et l'est de l'Ontario et au Québec. La présence francophone n'est pas équitable dans les catégories Gestion (21,1 p. 100) et Scientifiques et spécialistes (18,3 p. 100). Par contre, au Québec, les anglophones ne forment que 1,5 p. 100 de l'effectif. Il est évident que ces déséquilibres ne pourront être réduits que graduellement, mais nous pressons le Ministère de prendre toutes les mesures possibles pour que la composition de son effectif tende à refléter la présence des deux groupes linguistiques dans les endroits qu'il dessert.

Les surveillants et les cadres supérieurs du Ministère sont tenus responsables de leur rendement en matière de langues officielles, et le groupe de vérification interne examine à fond la gestion du programme. Nous avons constaté avec plaisir que l'effectif de la Direction des langues officielles, que nous avions jugé insuffisant dans notre Rapport annuel de 1986, a été porté de trois personnes en 1987 à huit en 1988, et que chacune des six régions a désormais son propre coordonnateur bilingue des langues officielles.

En 1988, le Ministère a fait l'objet de 29 plaintes, deux de plus qu'en 1986. Vingt-sept d'entre elles portaient sur divers aspects de la langue de service, comme l'affichage, la correspondance et l'accueil téléphonique. Deux autres concernaient la langue de travail ainsi que la gestion du programme des langues officielles. Le Ministère a répondu à toutes les plaintes de façon rapide et efficace.

Via Rail

En 1988, Via Rail Canada s'est de nouveau employée activement à négocier avec ses syndicats des ententes qui lui permettent d'assigner des employés bilingues dans les gares et dans les trains, afin d'assurer un service dans les deux langues officielles au public voyageur. Ce dossier est de toute évidence prioritaire car, comme l'a fait ressortir le rapport du Commissaire remis au Gouverneur en conseil en décembre 1986, les conventions collectives ont longtemps constitué le principal obstacle à la prestation efficace de services en personne dans les deux langues officielles. Cela dit, la Société s'acquitte de façon honorable de ses autres responsabilités linguistiques envers sa clientèle, que ce soit dans ses bureaux de vente par téléphone ou encore dans les documents bilingues.

Conformément à l'entente ratifiée le 13 août 1987 par Via Rail et la Fraternité canadienne des cheminots, employés de transport et autres ouvriers, des postes dûment bilingues furent désignés pour la première fois, dans les gares et dans les trains des régions de l'Atlantique et du Québec. S'il est vrai que ces postes doivent être comblés par des titulaires bilingues uniquement lorsqu'ils deviennent vacants, il faut aussi reconnaître que sans cet accord, le droit du public de recevoir des services dans la langue officielle de son choix aurait continué d'être soumis aux caprices du hasard, sans espoir d'une amélioration véritable. Il s'agit donc d'une percée importante, et nous avons hâte de connaître l'issue des pourparlers entrepris à l'automne entre Via et la Fraternité, en vue de déclarer d'autres postes bilingues, cette fois dans les régions de l'Ontario et de l'Ouest.

Par ailleurs, Via Rail amorce des négociations avec un deuxième syndicat, les Travailleurs unis des transports, représentant notamment le personnel de conduite des trains de passagers. Connus aussi sous les noms de chef de train et de serre-freins, les employés de ce groupe ont des contacts étroits avec le public voyageur puisqu'ils sont affectés au contrôle des billets et aux annonces à bord des trains. Nous espérons donc que Via conclura avec ce syndicat une entente analogue à celle qui fut signée avec les représentants de la Fraternité. La convention collective du personnel de conduite venait à échéance en décembre 1988.

La Société a aussi intensifié son programme de formation linguistique, principalement à l'intention du personnel dont la convention collective est assortie d'une clause de bilinguisme. En outre, Via Rail a continué à n'embaucher de l'extérieur que des candidats bilingues pour combler les postes qui exigent un contact avec le public. Cette mesure nous semble appropriée jusqu'à ce que la Société ait atteint un niveau satisfaisant de service bilingue à travers son réseau.

À l'exception des bureaux de Via Québec, où il constitue la langue de travail principale, le français n'occupe toujours pas la place qui lui revient au siège social de la Société à Montréal, ni à Via Atlantique où la situation est d'autant plus grave. Bien que la majorité des instruments de travail existent dans les deux langues, la présence de surveillants unilingues entrave encore sérieusement l'usage du français au travail. Toutefois, nous tenons à signaler que Via Rail a entrepris une campagne auprès de ses gestionnaires afin qu'ils respectent le choix linguistique exprimé par les employés durant l'évaluation annuelle du rendement. Au dernier exercice, la Société s'est rendue compte qu'en dépit de sa politique, des employés d'expression française étaient défavorisés à cet égard par rapport à leurs collègues d'expression anglaise. D'autre part, un important programme de bilinguisation s'est amorcé dans les ateliers de Via à Montréal, afin que le personnel francophone ait accès, dans sa langue, aux directives de sécurité reliées au fonctionnement et à l'utilisation du matériel roulant. Au total, plus d'une centaine de voitures, de locomotives et de fourgons à générateur de vapeur sont touchés par cette mesure. Lorsque le projet prendra fin en 1989,

toutes les instructions à l'intérieur comme à l'extérieur du matériel roulant seront dans les deux langues officielles. Il faut souligner la qualité linguistique exemplaire du travail de la Société dans ce domaine.

En incluant le personnel de conduite venu du CN en 1987, Via Rail compte maintenant 7 623 employés, dont 2 927 (38,4 p. 100) sont d'expression française. Dans l'ensemble, la participation des deux groupes linguistiques reste à peu près inchangée par rapport à l'année dernière et elle semble adéquate en raison de l'emplacement du siège social et de la répartition de l'effectif sur le territoire canadien. Sur le plan régional, le taux global d'employés d'expression anglaise a fléchi de 3,6 p. 100 au Québec, passant de 31,7 à 28,1 p. 100. Via Ouest et Via Ontario ont connu pour leur part une augmentation de la participation de Canadiens d'expression française, qui s'établit maintenant à 7 p. 100 dans chacun des secteurs comparativement à 4,1 et 4,9 p. 100 à la fin de 1987.

Du côté de la gestion du programme des langues officielles, la Société tient ses cadres supérieurs responsables et comptables du rendement linguistique de leurs secteurs respectifs. Outre la surveillance exercée par les cadres sur la prestation de services bilingues dans les gares, les trains et les bureaux de vente par téléphone, des sondages effectués périodiquement permettent d'évaluer le niveau de satisfaction du public voyageur à plusieurs points de vue, y compris l'aspect linguistique. Le questionnaire utilisé à cette fin comporte maintenant des sections qui permettent à la Société de savoir quelles sont les régions visitées ainsi que les parcours choisis.

Trente-huit plaintes ont été déposées à l'endroit de Via Rail cette année, tout comme en 1987. Presque toutes avaient trait à l'absence de services en français dans les gares et à bord des trains. Quelques-unes portaient sur le fait que Via avait omis de publier des annonces dans des journaux ou des revues de langue officielle minoritaire, tandis qu'une seule plainte était reliée à la langue de travail. Quoique le traitement de certains dossiers ait accusé du retard, la collaboration de la Société s'est avérée très bonne dans l'ensemble.

PARTIE IV

Les minorités : le nombre et l'esprit

1. La chronique minoritaire : perspectives

En 1988, trois grands événements ont dominé la scène linguistique : l'adoption de la nouvelle *Loi sur les langues officielles* ; le jugement de la Cour suprême du Canada sur le statut du français en Saskatchewan et, par ricochet, en Alberta ; enfin, la décision de ce même tribunal touchant les dispositions de la *Charte de la langue française* en matière d'affichage au Québec. Ces jugements ainsi que d'autres questions d'intérêt national sont examinés plus en détail à la partie I.

L'état de santé réel de nos minorités de langue officielle n'a fait que très rarement l'objet d'un examen clinique rigoureux et objectif. Le diagnostic qui a été posé en cette matière au cours du colloque national que le Commissariat a organisé en 1985 avait amené les participants à proposer le traitement suivant :

- élaboration d'un plan de développement national et coordination des efforts visant l'épanouissement des communautés minoritaires ;
- coopération soutenue entre les gouvernements fédéral et provinciaux afin d'assurer aux minorités des services plus nombreux et de meilleure qualité ;
- participation du secteur privé et des associations bénévoles à la réalisation des objectifs nationaux en matière de langues officielles ;
- appui des majorités à la mise en œuvre de l'égalité linguistique au sein de la société canadienne.

La *Loi sur les langues officielles* de 1988 constitue un schéma directeur dont nous avions grand besoin depuis longtemps. Le libellé de son préambule, large et généreux, indique clairement qu'il ne s'agit pas là d'une législation banale, mais d'une charte qui servira à la réforme du régime linguistique. Certaines initiatives donnent à penser que le gouvernement fédéral est vraiment disposé à passer de la théorie à la pratique.

- Le gouvernement du Canada a conclu cette année des ententes-cadres et des ententes auxiliaires visant à promouvoir l'égalité des langues officielles et à

faciliter l'épanouissement des communautés minoritaires de l'Ontario, de l'Île-du-Prince-Édouard et du Yukon. Également, il a signé un accord particulièrement important avec la Saskatchewan. Rappelons, qu'il avait conclu une entente en matière de langues officielles avec le Nouveau-Brunswick l'année dernière. Des négociations sont en cours avec plusieurs autres provinces. Globalement, ces ententes devraient encourager la coopération entre les divers intervenants et assurer la cohérence des efforts en faveur des minorités. Pareille concertation a gravement fait défaut dans le passé.

- Le gouvernement fédéral a annoncé qu'il maintiendra le Programme des langues officielles dans l'enseignement et qu'il accroîtra considérablement les crédits affectés au Programme de la promotion des langues officielles.

- Le gouvernement du Yukon a adopté une ordonnance en matière de langues officielles.

- Le Secrétariat d'État a mis en œuvre plusieurs mesures, dont la tenue d'un colloque sur la langue des affaires, visant à favoriser la prestation de services en français et en anglais dans le secteur privé.

- Plusieurs provinces ont modifié leurs lois et leurs lignes de conduite afin d'améliorer les services essentiels qu'elles offrent à leur minorité de langue officielle, notamment dans le secteur de l'éducation.

- Les francophones hors du Québec pourront avoir accès à une gamme élargie d'émissions de radio et de télévision dans leur langue.

- Selon les résultats des derniers sondages, la majorité des Canadiens est favorable à la dualité linguistique du pays et à la reconnaissance des droits des minorités.

Malheureusement, dans certains cas, l'état des minorités s'est aggravé.

- À la suite du jugement de la Cour suprême du Canada, les gouvernements de la Saskatchewan et de l'Alberta ont abrogé les dispositions linguistiques de la *Loi sur les territoires du Nord-Ouest*, les remplaçant par des garanties nettement plus restreintes.

- Dans le sillage de la décision de la Cour suprême du Canada invalidant les dispositions de la *Charte de la langue française* touchant l'affichage, le gouvernement du Québec a décidé de recourir à la clause nonobstant pour imposer l'affichage unilingue à l'extérieur des commerces. Plutôt que de s'inspirer de la doctrine de l'affichage bilingue avec nette prédominance du français, il imposait l'unilinguisme pour l'affichage commercial extérieur, tout en élargissant la possibilité de recourir dans certaines circonstances à

l'affichage bilingue à l'intérieur des établissements. Si cette solution améliore quelque peu la situation qui prévalait jusqu'alors, elle n'en a pas moins été vivement contestée par des membres des deux communautés linguistiques, pour bon nombre de raisons.

- Si les plus importantes minorités de langue officielle hors du Québec ont gagné du terrain, les données démographiques sur la vitalité des petites minorités n'ont rien de réjouissant.

Reste à voir si la nouvelle loi répondra vraiment aux attentes et donnera effectivement aux minorités les moyens de s'épanouir, notamment en améliorant la gamme des services qui leur sont offerts.

La FFHQ

La Fédération des francophones hors Québec (FFHQ) a applaudi à l'adoption de la *Loi sur les langues officielles* de 1988 ainsi qu'aux crédits additionnels affectés au Programme de la promotion des langues officielles, voyant dans ces initiatives une expression tangible de l'engagement du gouvernement fédéral envers les minorités de langue officielle. « Cette mesure vient confirmer l'engagement du gouvernement à favoriser l'épanouissement des minorités linguistiques et à appuyer leur développement, tel que cela est prévu à l'article 42 du projet de loi sur les langues officielles », de dire M. Yvon Fontaine, président de la FFHQ.

La FFHQ s'est également réjouie de l'entente conclue entre le gouvernement du Canada et le Yukon, soulignant que les Franco-Yukonais auraient enfin accès à des services dans leur langue. Cependant, la Fédération a très mal réagi à la législation adoptée par la Saskatchewan et l'Alberta à la suite du jugement de la Cour suprême du Canada dans l'affaire Mercure ; décision qui confirmait les droits des francophones garantis par la *Loi sur les territoires du Nord-Ouest*. La FFHQ a vivement reproché aux autorités provinciales de ne pas respecter pleinement les droits historiques de la minorité.

En 1988, la Fédération est intervenue dans plusieurs dossiers clés. Sa participation au Sommet de Québec lui a permis de jouer un rôle plus actif au sein de la francophonie mondiale. L'extension éventuelle du réseau TV5 à l'échelle du pays contribuera sans doute à renforcer cette solidarité historique. Le colloque sur le multiculturalisme et les minorités de langue officielle organisé par la FFHQ se voulait le reflet de cette orientation internationale ainsi que de la sensibilisation accrue aux besoins des communautés ethniques du pays. La Fédération a par ailleurs resserré ses liens avec le Québec en y ouvrant un bureau. Elle s'est aussi vivement intéressée au dossier de la télédiffusion, tout particulièrement au projet de loi sur la radiodiffusion et à la radio communautaire. De plus, un organisme indépendant, l'Association de la presse francophone hors Québec a décidé d'établir un service de presse à Ottawa. Cette initiative assurera une bien meilleure couverture des questions d'intérêt national touchant les diverses communautés francophones du pays.

Les nombreuses activités de la Fédération témoignent de sa détermination à jouer un rôle efficace et dynamique au service de toutes les minorités francophones du pays. S'adressant aux membres de la FFHQ durant son assemblée générale annuelle tenue à Ottawa le 24 juin dernier, le Commissaire a signalé aux participants qu'il avait bien l'intention, comme dans le passé, de travailler de concert avec eux pour assurer la reconnaissance officielle de leurs droits linguistiques.

Alliance Québec

Alliance Québec s'est prononcée cette année sur un large éventail de questions intéressant le Québec et le reste du pays. Sur la scène fédérale, elle s'est félicitée de l'adoption de la *Loi sur les langues officielles* de 1988, y voyant le signal d'une véritable relance de la réforme du régime linguistique. Cependant, l'accord du lac Meech continue de lui inspirer de l'inquiétude. L'association est d'avis que l'accord doit être amendé afin d'assurer que la *Charte canadienne des droits et libertés* n'est d'aucune façon affaiblie. Elle a exhorté les gouvernements fédéral et provinciaux à faire de l'accord une entente servant les intérêts de tous les citoyens et non seulement ceux des gouvernements et des majorités. L'association a contesté le bien-fondé de la clause « nonobstant » de la Charte, alléguant que l'objet de ce document était de protéger les droits des citoyens. À la fin de l'année, l'affaire s'est présentée sous un tout autre jour en raison de la réaction du gouvernement québécois au jugement de la Cour suprême du Canada sur la langue d'affichage au Québec. Alliance Québec a dénoncé la solution « intérieur/extérieur » adoptée par le gouvernement et a affirmé de nouveau être persuadée que « ... la grande majorité des Québécois a confiance dans l'avenir du français et de la culture française, et nous sommes convaincus que la langue et la culture françaises peuvent être protégées sans balayer les autres langues et particulièrement l'anglais du visage linguistique de cette province ».

Également, Alliance Québec a saisi plusieurs occasions de témoigner sa solidarité avec les minorités francophones hors du Québec. Réagissant à la législation linguistique adoptée par l'Alberta et la Saskatchewan, l'association a exhorté leurs assemblées législatives de mettre en œuvre des solutions fondées sur le respect des droits linguistiques et l'égalité des deux langues officielles.

Sur la scène québécoise, l'association est intervenue dans divers dossiers relatifs au bien-être de sa communauté, comme le contrôle et la gestion des écoles anglophones et la prestation de services sociaux et de santé en langue anglaise. Elle a réussi à obtenir la mise en œuvre de programmes d'enseignement du français langue seconde à l'intention des prestataires unilingues de bien-être social. Au cours d'une année marquée par des débats souvent orageux dans l'attente d'arrêts sur des questions linguistiques, Alliance Québec a réaffirmé son engagement traditionnel en faveur de la modération et du dialogue.

Rappelons que Royal Orr, le président de l'association a souligné qu'Alliance Québec voulait trouver une solution appelant la participation de tous les

Québécois pour la simple et bonne raison qu'aucun groupe ne peut résoudre ses problèmes sans tenir compte de ses concitoyens ou le faire à leurs dépens.

La Canadian Parents for French

Tout en poursuivant ses efforts méritoires en faveur du français langue seconde et des programmes d'échanges d'étudiants, la Canadian Parents for French (CPF) et ses sections provinciales ont continué d'appuyer les parents francophones de l'extérieur du Québec dans leur lutte pour le respect de l'article 23 de la *Charte canadienne des droits et libertés*. La CPF a également défendu le principe de la dualité linguistique. À sa comparution devant le Comité législatif chargé de l'examen du projet de loi C-72, M^me^ Susan Purdy, présidente sortante de la CPF, a rappelé aux parlementaires que les objectifs de la réforme du régime linguistique valent d'être poursuivis et que les crédits affectés à l'enseignement des langues officielles sont utilisés à bon escient : « En tant que contribuable, j'aimerais que mon argent soit affecté à la plus grande ressource que nous avons, à l'éducation des enfants du Canada. »

L'action du Commissaire

Comme on pouvait s'y attendre, la participation du Commissaire à l'étude en comité du projet de loi sur les langues officielles a exigé beaucoup d'efforts et de temps. Soucieux de se tenir à l'écoute des Canadiens, de servir la cause des minorités de langue officielle et de sensibiliser le grand public à la réforme du régime linguistique, le Commissaire s'est rendu dans la plupart des provinces ainsi qu'au Yukon afin d'y rencontrer des gestionnaires fédéraux, des premiers ministres, des ministres, des leaders d'opinion, des représentants des groupes minoritaires, des enseignants, des parents et des membres des médias. Ces rencontres fournissent également l'occasion de mettre en valeur le travail remarquable accompli par le personnel des bureaux régionaux et les agents de liaison. On trouvera à l'annexe A une description plus détaillée de l'activité du Commissaire et du Commissariat.

Les droits scolaires et leur respect

Plus de six ans se sont écoulés depuis l'adoption de la *Charte canadienne des droits et libertés* consacrant officiellement le droit des minorités à l'enseignement dans leur langue. Bien que plusieurs décisions aient été rendues par des tribunaux relativement à l'article 23 de la Charte, aucune interprétation définitive n'a encore été élaborée même si un large consensus semble émerger de la jurisprudence actuelle. (Les principales décisions rendues cette année sont analysées au chapitre 3 de la partie I.) Les tribunaux se sont montrés réticents à ordonner aux autorités provinciales de mettre en œuvre les réformes légales et administratives qui seraient sans doute nécessaires à l'application intégrale de l'article 23 de la Charte.

Les conclusions suivantes se dégagent des décisions judiciaires. Le droit des minorités de disposer de leurs écoles suppose le droit d'en assurer la gestion et le contrôle. La détermination de ce que veut dire en pratique « lorsque le nombre le justifie » ne peut être laissée à la discrétion des conseils scolaires. Cela relève de la responsabilité des assemblées législatives ou des gouvernements qui devront tenir compte des situations comparables et des besoins réels de la communauté

minoritaire. En vertu de l'article 23, la minorité doit bénéficier d'établissements distincts dont la qualité est comparable à ceux de la majorité. Il est manifeste que l'article 23 n'englobe aucunement l'enseignement immersif. À notre avis, seuls le Québec, le Nouveau-Brunswick et, dans une moindre mesure, l'Ontario (qui s'améliore) offrent aux minorités la possibilité de participer de façon active à la gestion de leurs écoles. En outre, ces provinces vont bien au-delà des critères numériques en s'efforçant d'offrir à tous les enfants admissibles l'enseignement dans leur langue. Les législations scolaires de l'Alberta, de la Nouvelle-Écosse et de Terre-Neuve ne comportent aucun critère numérique. À l'Île-du-Prince-Édouard, la loi exige un minimum de 25 élèves (pour trois classes consécutives) ; au Manitoba, 23 ; et en Saskatchewan 15. En Colombie-Britannique, le nombre minimum d'élèves a été fixé à 10 pour les écoles primaires et à 15 pour les écoles secondaires, mais ces lignes de conduite permettent la création de classes moins nombreuses. Le lecteur trouvera au tableau C.2 (à la page 336) des données chronologiques sur les inscriptions, les classes et le nombre d'écoles dispensant ces programmes.

Les progrès accomplis dans la mise en œuvre de l'article 23 tiennent souvent aux contestations judiciaires ou aux pressions exercées par les parents. Si l'application de l'article laisse à désirer, les décisions rendues par les tribunaux ont généralement été favorables. Nous voyons plus clairement les obligations des provinces en matière d'enseignement en langue minoritaire, et nous saurons davantage à quoi nous en tenir lorsque la Cour suprême du Canada aura rendu sa décision dans l'affaire Bugnet (Alberta). Si c'est aux tribunaux qu'il incombe d'interpréter les lois, c'est aux provinces qu'il revient de les adopter et d'établir concrètement les règles du jeu. Nous déplorons que certaines provinces attendent pour s'acquitter de leurs obligations constitutionnelles d'y être forcées par une décision judiciaire ou de recevoir du gouvernement fédéral de grasses subventions.

Le Commissariat, ainsi que plusieurs organisations minoritaires, font depuis longtemps valoir la nécessité d'une approche structurée dans la mise en œuvre de l'article 23, approche qui se fonderait sur un examen détaillé des difficultés et des solutions en matière de gestion des écoles minoritaires par les intéressés. Le rôle des parents à cet égard sera de la plus haute importance. Aussi avons-nous été heureux d'apprendre en novembre que le Secrétariat d'État avait accepté d'octroyer à la Commission nationale des parents francophones les crédits nécessaires à l'activité des associations locales et à la collecte des données dont les parents, les administrateurs scolaires et les autorités provinciales ont besoin pour « gérer » le changement indispensable à la survie des minorités. Nous espérons que cela permettra de trouver les moyens d'assurer de façon concertée le respect intégral de l'article 23 de la Charte.

La création dans certaines provinces de centres scolaires et communautaires intégrés est sans conteste l'une des initiatives les plus prometteuses dans le secteur de l'enseignement en langue minoritaire. Le Nouveau-Brunswick a ouvert le

premier centre du genre à Fredericton en 1978 et deux autres ont suivi à Saint-Jean et à Newcastle. Un quatrième a été créé cette année à Grand'Terre (Mainland) dans la péninsule terre-neuvienne de Port-au-Port, et une entente fédérale-provinciale a été conclue visant la construction d'un autre centre dans la région de Halifax-Dartmouth en 1989. Un tel centre est également prévu à Charlottetown. Ces centres, à la fois scolaires et culturels pourraient bien constituer de puissantes fortifications permettant aux minorités de mieux résister aux assauts de l'assimilation, surtout s'ils servent en outre de cadre à la prestation par les autorités fédérales, provinciales et municipales de services en langue minoritaire.

La concentration des services

L'idée de concentrer les services fédéraux, provinciaux et municipaux afin de mieux répondre aux besoins des minorités est loin d'être nouvelle. Les pressions exercées à l'échelle de la Fonction publique visant la rationalisation des dépenses devraient inciter les gestionnaires à restructurer et à concentrer les services. Cette idée mérite d'être réexaminée. Le lecteur trouvera dans notre Rapport de l'an dernier (pp. 57-59), les résultats de modestes efforts déployés par le Commissariat dans ce domaine, efforts qui semblent s'enfoncer dans un bourbier bureaucratique. S'il est naïf de croire qu'une solution donnée puisse constituer une panacée pour les minorités, il est bien évident que les autorités fédérales et provinciales n'ont pas encore réussi à mettre au point des plans réalistes et efficaces pour assurer la prestation des services essentiels en langue minoritaire. Voilà un secteur parmi tant d'autres où le Secrétariat d'État pourrait exercer à bon escient le rôle de coordonnateur que lui attribue la nouvelle *Loi sur les langues officielles*. Nous croyons que le Secrétariat d'État devrait aider les provinces intéressées à élaborer des modèles administratifs visant à assurer la prestation des services fédéraux, provinciaux, municipaux et éducatifs.

Le dossier de l'enseignement postsecondaire

Dans notre Rapport de l'an dernier, nous nous penchions sur plusieurs questions à l'ordre du jour du Colloque national sur l'enseignement postsecondaire tenu en octobre 1987 à Saskatoon. Parmi les besoins particuliers des étudiants et des enseignants de langue minoritaire, mentionnons les possibilités d'accès à l'enseignement postsecondaire, l'aide financière, le partage de l'information et une planification plus poussée. Étant donné la dispersion des francophones hors du Québec et la rareté des établissements scolaires les desservant, les échanges ont porté notamment sur trois dossiers clés : l'autonomie des établissements postsecondaires minoritaires ; la concentration des ressources et l'augmentation de l'aide financière aux établissements postsecondaires de langue française ; et l'utilisation accrue des innovations technologiques, notamment des réseaux d'enseignement à distance. Donnant suite au Colloque de Saskatoon, le Conseil des ministres de l'Éducation du Canada, a créé, en février dernier, un comité ministériel sur l'enseignement postsecondaire visant à promouvoir la consultation entre les gouvernements et les organisations nationales non gouvernementales.

En vertu des nouvelles ententes fédérales-provinciales visant les langues officielles dans l'enseignement, des crédits supplémentaires de 145 millions de dollars seront consentis, sur une période de cinq ans, à de nouvelles initiatives. L'élargissement de la gamme des programmes postsecondaires en langue française est manifestement un des objectifs prioritaires. Voici quelques-unes des initiatives qui se sont méritées une aide en 1988 :

- création d'un institut de formation linguistique à l'Université de Regina permettant aux Fransaskois de poursuivre des études postsecondaires dans leur langue ;
- amélioration du programme d'études en français offert par l'Université de l'Île-du-Prince-Édouard ;
- création du collège de l'Acadie en Nouvelle-Écosse pour desservir la population acadienne ;
- décentralisation de l'École d'administration publique de l'Université de Moncton afin de faciliter l'accès des francophones du Nouveau-Brunswick à ce programme d'études ;
- mise sur pied d'un réseau d'enseignement à distance entre l'Université d'Ottawa et l'Université Laurentienne ;
- mise sur pied d'un réseau d'enseignement à distance en langue française qui pourrait éventuellement relier tous les établissements postsecondaires francophones du pays, ce qui multiplierait le nombre des programmes d'études offerts aux étudiants ;
- financement des recherches effectuées par la Fédération des jeunes Canadiens français sur les programmes postsecondaires en langue française offerts aux francophones hors du Québec.

Au début de janvier 1989, le Secrétariat d'État et la ministre ontarienne des Collèges et Universités ont annoncé la mise en œuvre d'un projet de 100 millions de dollars, répartis sur une période de huit ans, destiné à élargir la gamme des programmes et des services d'enseignement en français dispensés par le système scolaire ontarien. Le projet comprend la création d'un collège d'arts appliqués et de technologie de langue française, qui ouvrira ses portes dans la région d'Ottawa en 1990 ; d'autres installations s'y ajouteront d'ici 1992.

Ces initiatives prometteuses révèlent l'existence d'une approche mieux coordonnée à l'échelle nationale pour offrir des possibilités d'études postsecondaires en français à l'extérieur du Québec. Nous nous réjouissons de voir que l'esprit de Saskatoon reste bien vivant et que les gouvernements fédéral et provinciaux

travaillent main dans la main à l'édification d'un système d'enseignement post-secondaire de meilleure qualité et plus accessible au profit des francophones hors du Québec.

Deux minorités, deux conditions, deux luttes

Une façon de comprendre la véritable nature de la situation des minorités demeure l'examen sur le terrain. Le Commissariat a donc jugé opportun de commander deux études : l'une portant sur la minorité anglophone de l'Estrie, au Québec, effectuée par des chercheurs de l'Université Concordia ; l'autre touchant la collectivité francophone de Welland, en Ontario, menée par des sociologues de l'Université d'Ottawa. Ces études visaient à brosser un tableau sociolinguistique de la collectivité (langue parlée à la maison, avec les amis, etc.) et à définir ses rapports linguistiques avec les institutions du milieu. Bien que le Commissariat ne souscrive pas à toutes les conclusions de ces études, il reconnaît qu'elles illustrent bien les conditions de vie d'une minorité.

La collectivité anglophone de l'Estrie

Au milieu du siècle dernier, les Cantons de l'Est comptaient près de 90 000 anglophones. Aujourd'hui, ils ne sont plus que 34 020, soit quelque 9 p. 100 de la population locale. Le faible taux de natalité, l'exode des jeunes qui craignent pour leur avenir et l'absence d'immigration sont autant de facteurs qui contribuent à l'érosion soutenue de cette communauté. Si 50 p. 100 des anglophones vivent dans des collectivités où ils représentent une part importante de la population, l'autre moitié habite des régions à prédominance francophone.

Le bilinguisme a gagné beaucoup de terrain au sein de cette communauté. Chez les répondants âgés de moins de 65 ans, 80 p. 100 ont affirmé comprendre le français ou le parler. Par contre, 58 p. 100 des plus de 65 ans étaient unilingues.

Quatre-vingt-deux pour cent des répondants ont déclaré qu'ils communiquaient avec le gouvernement fédéral en anglais toujours ou la plupart du temps et 8 p. 100 se sont dit insatisfaits sur le plan linguistique des services fédéraux. Dans le cas des services provinciaux, le taux d'insatisfaction s'établissait à 33 p. 100. Les répondants ont également affirmé que l'anglais était la langue d'usage avec les amis (87 p. 100), les voisins (75 p. 100) et les camarades de classe (85 p. 100). Cependant, l'anglais est moins utilisé pour les activités professionnelles (59 p. 100) et le magasinage (40 p. 100).

La vitalité persistante de cette communauté anglophone est largement attribuable à l'apport de ses institutions, organisations et associations bénévoles. Cependant, ces organismes n'échappent pas aux retombées de l'érosion de la communauté. Dans le secteur de la santé, les hôpitaux jadis considérés comme étant de « langue anglaise » comptent de plus en plus de personnel francophone. Les chercheurs ont conclu qu'à l'avenir la prestation de services en anglais sera tributaire du bilinguisme du personnel francophone. Eu égard au pourcentage élevé

des aînés au sein de la population anglophone — 18,5 p. 100 ont plus de 65 ans, comparativement à 8,7 p. 100 chez les francophones — les services sociaux et de santé revêtent une importance particulière.

Au cours des 11 dernières années, le nombre d'élèves inscrits dans des écoles de langue anglaise a chuté de près de 50 p. 100. Ce phénomène n'est pas attribuable au seul déclin démographique de la communauté, nombre de parents ayant décidé d'inscrire leurs enfants à l'école française. À l'heure actuelle, seulement 80 p. 100 des enfants anglophones fréquentent des écoles élémentaires de langue anglaise.

En Estrie, les perspectives d'emploi des jeunes anglophones ne sont guère réjouissantes. Seulement la moitié des répondants estiment que les chances d'avenir dans la région sont bonnes, alors que 61 p. 100 sont d'avis que leur collectivité risque de disparaître. À la question : « Quel groupe, institution ou individu est le mieux en mesure d'assurer la préservation de la collectivité anglophone de l'Estrie ? », 34 p. 100 ont répondu la Townshippers' Association ; 15 p. 100, Alliance Québec ; 14 p. 100, l'École ; et 9 p. 100, l'Église. La très grande majorité des répondants appuie de tout cœur la prestation bilingue des services fédéraux à l'échelle du pays ; 90 p. 100 d'entre eux y voient un facteur déterminant. Par ailleurs, tous sont profondément convaincus que les francophones et les anglophones peuvent relever ensemble les défis.

Les chercheurs ont conclu que la survie de cette communauté dépendrait, entre autres, de l'appui accordé aux unilingues, du progrès du bilinguisme parmi ses membres ainsi que de l'accroissement de l'aide financière et organisationnelle à ses groupes et institutions.

La communauté francophone de Welland

Bien que 16 p. 100 de la population de Welland, ville de 45 000 habitants, soient de langue française, seulement 66 p. 100 d'entre eux parlent surtout le français au foyer. La vie en français dans cette ville ne semble vraiment possible qu'à la maison et au sein de leurs associations. Pour ce qui est de la vie publique, les étudiants interrogés ont mentionné qu'ils se sentent mal à l'aise lorsqu'ils parlent français entre eux, car le milieu ambiant les incite à parler anglais. Pourtant les relations entre francophones et anglophones ne sont pas perçues comme étant antagonistes.

Communauté ouvrière, historiquement axée autour de la paroisse, la collectivité francophone jouit d'un certain réseau de services et d'institutions : caisse populaire, foyer pour personnes âgées, organisme de loisirs pour les jeunes, clubs sociaux, cliniques médicales, etc. Cependant, l'habitude de considérer que la réalité sociale s'exprime exclusivement en anglais demeure fortement ancrée. Par exemple, chez ceux qui grimpent dans l'échelle socio-économique, on remarque une plus grande utilisation de l'anglais. Bien que le bilinguisme soit d'une importance capitale aux yeux de cette communauté — elle en fait le trait

marquant de sa personnalité collective —, elle a su se garder des espaces essentiellement francophones.

La dominance absolue de l'anglais en Amérique du Nord, la dispersion des francophones, l'arrêt de l'immigration québécoise, l'exode des jeunes de cette ville atteinte d'essoufflement industriel, l'isolement par rapport au Québec, centre de la francophonie canadienne, et les nombreux mariages mixtes contribuent au net déclin de cette communauté, particulièrement chez les jeunes. Ceux-ci sont orientés surtout vers les sports et leurs habitudes culturelles à cet égard sont peu différentes de celles des jeunes anglophones. En fait, ils se sentent même en conflit avec la culture francophone, car c'est surtout leur bilinguisme qu'ils revendiquent et qui les identifie et les valorise à leurs yeux. Bref, on observe chez eux une désaffection grandissante pour la vie culturelle française, laquelle leur apparaît de plus en plus étrangère à leurs préoccupations quotidiennes.

Des francophones ont siégé de façon intermittente au conseil municipal depuis 1949. Ils continuent de jouer un rôle important dans ce domaine, mais au moment de l'étude, la ville n'avait pas de politique spécifique à l'endroit de sa population de langue française et les services municipaux en français étaient à toutes fins utiles inexistants. Il en allait de même des services provinciaux, mais on fondait beaucoup d'espoir sur la mise en œuvre de la *Loi sur les services en français* de l'Ontario. L'étude souligne que les trois quarts des répondants se sont déclarés satisfaits des services fédéraux en français en matière de placement, d'assurance-chômage et d'impôt ; 20 p. 100 d'entre eux souhaitant qu'ils soient plus nombreux.

Les écoles élémentaires et secondaires de langue française restent vivantes. Par contre, l'enseignement postsecondaire, ici comme ailleurs en Ontario, est le parent pauvre du système et n'offre que des programmes bilingues le plus souvent restreints au secteur technique. Les étudiants qui veulent poursuivre des études postsecondaires en français doivent quitter la ville et bon nombre n'y reviennent pas.

Même si le rôle traditionnel de la communauté francophone de Welland dans l'ensemble de la péninsule du Niagara est peu reconnu, ses membres, eux, en sont fiers et ils demeurent optimistes quant à leur avenir. Ils valorisent le bilinguisme, et la volonté de transmettre le français à leurs enfants demeure une tendance nettement plus forte que celle, par exemple, d'utiliser leur propre langue au foyer. Même si l'anglais prédomine dans les foyers mixtes, on continue généralement d'envoyer les enfants à l'école française. Le défi majeur de la communauté francophone de Welland aujourd'hui est d'intégrer la nouvelle génération à son réseau institutionnel. À cet égard, il semble certain que l'école sera appelée plus que jamais à être le foyer de la vitalité communautaire.

Pour citer Tolstoï : « Chaque famille malheureuse est malheureuse à sa façon. » Les faits confirment l'érosion de ces deux communautés. Cependant, cette

érosion est attribuable à des facteurs distincts : une communauté rurale, l'autre urbaine ; l'une a des racines solidement ancrées, l'autre est pour ainsi dire une nouvelle venue dans la région ; l'une compte des membres bilingues et unilingues selon leur âge ; l'autre est essentiellement bilingue. Si ces communautés partagent certains problèmes socio-économiques, elles se distinguent en matière de vitalité. La communauté francophone de Welland mène une lutte acharnée non seulement pour préserver son dynamisme, mais aussi pour sauver sa langue. À cet égard, le bilinguisme indispensable à sa survie économique constitue également un danger possible. L'usage du français étant généralement restreint au foyer, les francophones se sentent de plus en plus isolés dans un milieu où la langue anglaise est omniprésente.

Les craintes de la communauté anglophone de l'Estrie sont d'un autre ordre. L'assimilation ne la guette pas encore et, sans doute, continuera-t-elle de parler anglais à la maison pendant plusieurs années encore. Cependant, la nécessité de connaître le français pour évoluer dans la société québécoise se fait de plus en plus pressante et le bilinguisme individuel paraît indispensable. Les deux communautés assistent à l'exode de leurs jeunes ; l'une et l'autre sentent vivement le besoin d'une aide accrue en faveur de leurs organisations.

Manifestement, les problèmes de ces communautés doivent être abordés en fonction de leurs situations respectives et dans le respect des perceptions que les intéressés en ont. Dans les pages qui suivent, le lecteur trouvera de nombreux exemples des difficultés énormes avec lesquelles les petites communautés minoritaires des régions éloignées doivent composer. Il est cependant permis de penser que la recrudescence du militantisme au sein des minorités et l'effet conjugué des initiatives fédérales et provinciales en leur faveur apporteront des jours meilleurs.

Nous recommandons au Secrétariat d'État :

- **d'évaluer les répercussions des initiatives antérieures sur le développement des collectivités minoritaires ;**

- **d'aider les provinces intéressées à mettre au point des modèles administratifs pour la prestation de services fédéraux, provinciaux, municipaux et éducatifs ;**

- **de poursuivre en étroite collaboration avec le Conseil des ministres de l'Éducation du Canada les efforts en vue de favoriser l'accès à l'enseignement dans la langue de la minorité à tous les niveaux et d'accroître les services en français au niveau postsecondaire.**

2. D'une province à l'autre : déceptions et espoirs

Après avoir examiné, dans le chapitre précédent, les dossiers clés ainsi que les principaux intervenants concernés, nous consacrons la présente section à un survol de la situation au pays dans les domaines juridique, éducatif, institutionnel et communautaire. Dans le chapitre suivant, nous passons en revue les faits marquants dans le secteur de la télédiffusion en langue minoritaire.

L'Ouest

En confirmant l'érosion constante des communautés francophones de l'Ouest, les données du dernier recensement soulignent le besoin urgent de travailler à leur survie. Certains progrès ont été accomplis dans des secteurs comme l'éducation, les ententes fédérales-provinciales, les tribunaux et la législation linguistique au Yukon. Sensibles à la volonté du gouvernement fédéral de favoriser leur épanouissement, les communautés francophones de l'Ouest ont fait preuve de détermination et de courage.

Les États généraux

Les États généraux de la francophonie du **Manitoba**, qui ont eu lieu en mars 1988, se sont penchés sur les conclusions et les recommandations du groupe de travail présidé par le juge Michel Monnin. Le groupe a tenu neuf audiences publiques préparatoires à l'échelle de la province et a reçu 164 mémoires d'associations et de particuliers. Les États généraux se sont avérés une étape importante dans le processus de réflexion à long terme amorcé par la Société franco-manitobaine (SFM). On a demandé aux participants ainsi qu'aux principaux intéressés de réfléchir aux orientations de la communauté dans divers secteurs clés. Parmi les thèmes abordés, mentionnons les services sociaux et de santé en français, la prestation des services publics et gouvernementaux, la culture, l'économie et la structure de la SFM. Les participants ont, en outre, réclamé la gestion de l'éducation en français. Une étude a été commandée par le Comité directeur des structures scolaires (CDSS), lequel réunit les principaux organismes qui s'intéressent à l'éducation en français. Le CDSS recommande la création d'une seule commission scolaire de langue française dotée de quatre divisions régionales. Cependant, certains Franco-Manitobains craignent que les collectivités rurales n'aient dans ce cadre que trop peu d'influence.

Le gouvernement du Manitoba n'a encore fait état d'aucun projet précis en matière de services gouvernementaux en langue française, pas plus qu'il ne s'est prononcé sur les propositions mises de l'avant par le précédent gouvernement. Aussi la SFM a-t-elle élaboré son propre projet en s'inspirant des ententes intervenues entre le gouvernement fédéral et la Saskatchewan. À la lumière de ce projet, le Manitoba a accepté d'entamer des pourparlers avec le Secrétariat d'État. Lors de sa visite à Winnipeg en novembre dernier, le Commissaire a eu l'impression que le gouvernement de la province hésitait toujours à prendre position, mais qu'il s'employait à établir de meilleures relations avec la communauté francophone. Bien que circonspect, le premier ministre du Manitoba semble disposé à élargir progressivement la gamme des services en français. Le besoin d'une entente fédérale-provinciale à cet égard est pressant.

Les établissements d'enseignements de la minorité linguistique

À l'instar des autres minorités de langue officielle, la communauté franco-manitobaine cherche les moyens de gérer et de contrôler elle-même les établissements d'enseignement francophones. La vitalité de l'enseignement en langue française au Manitoba ne peut être mise en doute. En effet, les statistiques montrent que 40 p. 100 des étudiants franco-manitobains en douzième année ont l'intention de poursuivre des études postsecondaires, alors que la moyenne provinciale s'établit à 30 p. 100.

En janvier 1988, le Manitoba a soumis plusieurs questions à la Cour d'appel provinciale afin de déterminer dans quelle mesure la *Loi scolaire* respecte la *Charte canadienne des droits et libertés*, notamment les termes de l'article 23 « lorsque le nombre le justifie » et « des établissements de la minorité linguistique ». En décembre, le Commissariat est intervenu sur le renvoi préconisant une interprétation libérale de cet article.

L'Association canadienne d'éducation de langue française (ACELF) a tenu son 41e congrès annuel à Winnipeg. Quatre cent cinquante participants, venus de tous les coins du pays, ont exploré le thème « L'école canadienne-française : un élément indispensable de l'unité nationale ». Les membres ont profité de ces assises pour examiner les orientations de leur association, notamment en ce qui touche la participation des jeunes.

Certaines municipalités à forte population francophone ont marqué des progrès dans le domaine des services en français ; la municipalité de Saint-Pierre-Jolys, par exemple, s'est déclarée officiellement bilingue. À cet égard, la priorité était de rendre bilingues les formulaires de taxe foncière et l'affichage. Ces initiatives indiquent que les autorités sont conscientes de la nécessité d'offrir des services en français là où la population francophone est suffisamment importante. Cela prouve du même coup que les minorités franco-manitobaines savent exprimer clairement et efficacement leurs besoins.

L'affaire Mercure

En 1988, plusieurs événements ont contribué à changer la situation des Fransaskois. Le plus important est sans conteste la décision de la Cour suprême

du Canada dans l'affaire Mercure. La Cour (dont la décision est examinée dans le chapitre 1 de la partie I) confirme la validité de l'article 110 de la *Loi sur les territoires du Nord-Ouest*. En vertu de ce jugement, le français et l'anglais peuvent être utilisés à l'Assemblée législative de la **Saskatchewan** et devant les tribunaux, et les lois doivent être imprimées et publiées dans les deux langues officielles. En outre, la Cour a affirmé que la Loi fait partie intégrante de la constitution de la province, et que l'Assemblée législative a la possibilité de la modifier unilatéralement en adoptant une loi bilingue.

La Saskatchewan a réagi à la décision de la Cour suprême en votant le projet de loi 2 relatif à l'emploi du français et de l'anglais dans la province. La nouvelle loi reconnaît le droit d'utiliser le français à l'Assemblée législative et devant les tribunaux, et oblige le gouvernement à traduire certaines lois. Les modalités de cette dernière disposition n'ont pas encore été définies et seront laissées à la discrétion du gouvernement.

Si la Loi constitue manifestement un certain recul, le français en Saskatchewan n'en a pas moins gagné un peu de terrain. L'Association culturelle franco-canadienne (ACFC) a blâmé le gouvernement, affirmant que la Loi ne redressait pas les torts causés par le long déni des droits linguistiques. Selon l'ACFC, les droits séculaires des Fransaskois ne sont plus désormais que des privilèges. À ses yeux, le gouvernement aurait pu faire bien davantage pour assurer la mise en œuvre des droits confirmés par la décision de la Cour suprême.

Entente générale visant les langues officielles

Si la législation linguistique de la Saskatchewan se distingue par son caractère timoré, l'entente-cadre fédérale-provinciale (voir le chapitre 1 de la partie I), les trois ententes auxiliaires et l'entente intervenue entre le gouvernement fédéral et l'ACFC sont nettement plus audacieuses. Mises en œuvre efficacement, il y a de fortes chances pour qu'elles contribuent davantage à améliorer la situation des Fransaskois.

Les ententes prévoient :

- la traduction de 45 lois clés ;
- la création d'un office de la coordination des affaires francophones et de la traduction ;
- la mise en œuvre d'un système de gestion et de contrôle des établissements d'enseignement de langue française par la minorité ;
- la création d'un institut de formation linguistique ;
- la promotion du français langue seconde dans les écoles de la Saskatchewan.

L'entente-cadre reconnaît explicitement que l'ACFC est l'un des représentants de la communauté francophone que le gouvernement fédéral et celui de la Saskatchewan doivent consulter en ce qui a trait à l'application des ententes. Outre les 63 millions de dollars qu'il affectera aux activités ci-dessus, le gouvernement fédéral versera, en vertu d'une autre entente, 17 millions aux organisations fransaskoises au cours des cinq prochaines années.

Le 14 mai 1988, un incendie a rasé le collège Mathieu de Gravelbourg. Seul établissement d'études secondaires unilingue français de la province, le collège accueillait aussi des jeunes franco-albertains. Sa reconstruction sera facilitée grâce à l'entente fédérale-provinciale et à l'aide financière de la communauté ainsi que des autorités de la Saskatchewan et du Québec. À la fin de septembre dernier, lors de la visite du Commissaire, les 130 étudiants et le personnel étaient à l'œuvre et les travaux de construction allaient bon train.

L'enseignement secondaire en langue française a marqué des progrès. Les efforts soutenus de parents francophones de Regina, Saskatoon et Prince-Albert ont abouti à la création de classes de neuvième année dans les écoles de ces municipalités. Les parents espèrent qu'il s'agit du premier pas vers un programme complet d'études secondaires en langue française.

Étant donné que la décision de la Cour suprême du Canada dans l'affaire Mercure touche également l'**Alberta**, cette province a adopté une nouvelle loi linguistique (projet de loi 60) qui abroge et remplace l'article 110 de la *Loi sur les territoires du Nord-Ouest*. La nouvelle loi confirme rétroactivement la validité des lois unilingues de l'Alberta, et toutes les lois éventuelles seront promulguées en anglais seulement. Par ailleurs, elle reconnaît le droit d'utiliser le français ou l'anglais à l'Assemblée législative et devant les tribunaux en Alberta. « Dans toute la mesure du possible et de façon équilibrée, nous protégeons les droits des Franco-Albertains, mais nous n'avons nullement l'intention d'agir au détriment de la majorité. Je crois que ce risque est grand lorsque la loi nous impose des obligations dans un domaine comme celui de la langue », de dire le premier ministre Don Getty.

Aux yeux de l'Association canadienne française de l'Alberta (ACFA), cette loi, même si elle n'abolit pas tous les droits linguistiques historiques des Franco-Albertains, ne leur reconnaît que les plus dérisoires. L'ACFA a exhorté le gouvernement fédéral à exercer des pressions sur la province afin qu'elle se montre plus généreuse envers sa minorité de langue officielle. Le Commissaire a lui aussi exprimé sa déception, affirmant que la Loi allait à l'encontre de l'engagement pris par la province dans l'entente du lac Meech. « Loin de reconnaître et de protéger ces droits, comme elle s'y était engagée, souligne M. Fortier, l'Alberta s'apprête à abroger certains d'entre eux sans même prendre d'engagements précis en matière d'éducation. » La communauté franco-albertaine a reçu l'appui de plusieurs intervenants provinciaux. L'*Edmonton Journal*, pour sa part, a déclaré que le gouvernement albertain avait raté l'occasion d'être à la hauteur

de l'ouverture d'esprit du Canada que l'on retrouve dans la Constitution. Lowell Murray, ministre d'État responsable des relations fédérales-provinciales, ajoute : « L'affaire est loin d'être close. Nous allons poursuivre nos pourparlers avec le gouvernement de l'Alberta. »

En octobre, le premier ministre Getty a fait plusieurs déclarations controversées sur la politique fédérale en matière de langues officielles et sur les perspectives de carrière des Albertains unilingues. De passage dans la province à ce moment-là, le Commissaire a fait valoir que seul un très petit nombre (2,6 p. 100) de postes au sein de la Fonction publique fédérale en Alberta exige la connaissance des deux langues officielles.

La décision de la Cour suprême du Canada d'accorder la demande d'autorisation d'appel dans l'affaire Paquette vaut également la peine d'être mentionnée. M. Luc Paquette avait invoqué le droit d'un accusé francophone d'être entendu en français par un juge et un jury. La décision de la Cour suprême devrait contribuer à clarifier les droits des minorités de langue officielle devant les tribunaux fédéraux.

Le droit à l'éducation en langue minoritaire

La Cour suprême du Canada a accordé la demande d'autorisation d'appel dans l'affaire de l'École Georges-et-Julia-Bugnet. Cette cause, qui devrait être entendue au début de 1989, est la deuxième à demander à la Cour suprême de se prononcer sur l'article 23 et la première à l'inviter à examiner en détail la portée globale de tous les droits accordés en vertu de cet article.

Le Conseil scolaire catholique de Calgary étudie la possibilité de créer une école et un centre communautaire dans cette ville. Le Conseil des écoles catholiques d'Edmonton suit le dossier de près et espère travailler en étroite collaboration avec son homologue de Calgary. L'école Héritage, la troisième école élémentaire francophone de la province, a ouvert ses portes dans le district de Peace River.

L'Alberta a aussi adopté une nouvelle loi scolaire (projet de loi 27). Si la nouvelle loi respecte les dispositions de l'article 23, elle n'accorde cependant pas aux parents franco-albertains des droits en matière de contrôle et de gestion de leurs établissements d'enseignement. En novembre, le gouvernement a rendu public un énoncé de politique intitulé « Language Education Policy for Alberta ». Cet énoncé ainsi que la réglementation visant l'enseignement en langue française précisent les intentions du gouvernement dans ce domaine. La réaction initiale de l'ACFA a été de reprocher à cette politique de ne pas aller assez loin.

Les parents francophones d'Edmonton sont mécontents du caractère bilingue de l'École J.H.-Picard. Ils sont d'avis que la présence d'élèves anglophones en immersion nuit à la qualité de l'enseignement et qu'elle mène à l'assimilation de leurs enfants. Le 5 décembre, le Conseil des écoles catholiques d'Edmonton a

annoncé son intention de regrouper les élèves de la dixième à la douzième années à l'école Maurice-Lavallée plutôt qu'à J.H.-Picard. Les parents francophones se sont réjouis de cette initiative. Parallèlement, le Conseil a approuvé la création d'une école de langue française dans l'ouest d'Edmonton en septembre 1989.

En **Colombie-Britannique**, la Fédération des Franco-Colombiens (FFC) a augmenté ses pressions auprès du gouvernement afin d'obtenir la tenue de procès criminels en français. En juin, la FFC a remis un mémoire au Comité de réforme de la justice dans lequel elle souligne la nécessité pour la Cour provinciale d'offrir des services en français. La FFC a rencontré le caucus du Crédit social pour lui faire part de ses préoccupations en matière, notamment, d'éducation et de services gouvernementaux. Elle a d'autre part rendu visite au ministre de l'Éducation, qui l'a invitée à lui soumettre un projet touchant le droit des parents francophones d'assurer le contrôle et la gestion de leurs établissements d'enseignement.

Programme-cadre de français

En 1979, la Colombie-Britannique a lancé le Programme-cadre de français spécialement conçu pour les élèves francophones. Ce programme est généralement dispensé dans des établissements où d'autres programmes sont offerts plutôt que dans des écoles exclusivement de langue française. Les développements dans ce domaine sont lents, et jusqu'ici le gouvernement n'a que vaguement manifesté son intention de modifier la politique touchant les établissements scolaires de la minorité linguistique conformément aux exigences de l'article 23. L'Association des parents du Programme-cadre de français et la FFC envisagent de porter leur cause devant les tribunaux. Les écoles de langue française se trouvent à Vancouver, Vancouver Nord et Victoria.

Les représentants de la minorité francophone ont fait part au Commissaire, durant son séjour en Colombie-Britannique, de leur désir de créer une Maison de la francophonie. La réalisation de ce projet, qui est destiné à accroître la visibilité de la minorité, nécessitera une aide financière des autorités fédérales et provinciales ainsi que l'appui de la communauté francophone. On a dû surseoir à la mise en œuvre de ce projet, le terrain prévu pour la construction de la Maison n'étant plus disponible.

La loi linguistique

En avril 1988, une entente est intervenue entre les gouvernements du **Yukon** et du Canada visant la promotion du français et des langues autochtones. Le Yukon s'est engagé à offrir des services gouvernementaux en français et devra consulter les représentants de la communauté francophone afin d'établir les priorités à cet égard. L'entente n'accorde pas explicitement un statut de langue officielle au français. Par contre, elle fait fond sur la reconnaissance de la dualité linguistique du Canada et des droits de la minorité francophone du Yukon.

Conséquemment, en mai, le Yukon a adopté une loi reconnaissant le droit d'utiliser le français et l'anglais à son Assemblée législative et devant ses

tribunaux. Toutes les lois et tous les règlements doivent être publiés à l'avenir dans les deux langues officielles. La Loi confirme le droit de traiter avec l'Assemblée législative et les bureaux du gouvernement dans l'une ou l'autre langue officielle, là où la demande est importante. Toute personne qui estime que ses droits linguistiques ont été lésés peut faire appel aux tribunaux. En outre, la portée de la Loi ne peut être réduite sans l'accord du Parlement du Canada. L'entente prévoit par ailleurs diverses mesures pour la protection et l'épanouissement des langues autochtones et reconnaît le droit de les utiliser à l'Assemblée législative et dans la prestation de certains services territoriaux. L'Association des Franco-Yukonnais (AFY) et le Commissaire se sont félicités de cette entente intergouvernementale et de l'adoption de la nouvelle loi linguistique, les qualifiant d'étape importante vers la reconnaissance officielle des droits des minorités du Yukon. À la fin de 1988, aucun accord n'était cependant intervenu entre les deux ordres de gouvernement touchant la mise en œuvre et le financement de ces initiatives.

Désireux de réviser sa loi scolaire, le Yukon a lancé un processus de consultation publique. L'AFY a déjà entrepris des démarches à cet effet afin de mettre l'accent sur la nécessité d'adopter une loi conforme aux dispositions de l'article 23 de la *Charte canadienne des droits et libertés*.

En 1984, les **Territoires du Nord-Ouest** avaient adopté une loi sur les langues officielles qui assurait la reconnaissance du français et de l'anglais en s'inspirant largement du libellé de la *Charte canadienne des droits et libertés*. Bien que ses dispositions devaient entrer en vigueur le 31 décembre 1986, le gouvernement des Territoires du Nord-Ouest n'a pas été en mesure de les appliquer. La Loi a donc été modifiée en 1986 afin de reporter sa mise en œuvre à 1990. Les autorités ont fait appel à un expert-conseil pour rendre bilingues les services offerts : son rapport n'a pas encore été rendu public. Si la Fédération Franco-TéNOise se désole de la lenteur des progrès, elle ne doute toutefois pas de la volonté de son gouvernement de donner suite à la Loi de 1984.

La FFT

Au cours d'une assemblée générale extraordinaire tenue les 24 et 25 septembre 1988, la Fédération s'est dotée d'une nouvelle constitution et a changé son nom (autrefois l'Association culturelle Franco-TéNOise) pour la Fédération Franco-TéNOise. Ce changement de désignation se veut le reflet de sa nouvelle orientation. D'organisation à vocation culturelle qu'elle était à l'origine, elle s'est transformée en un groupe de pression qui intervient dans des dossiers sociaux, culturels, politiques et communautaires. En 1988, la Fédération a continué de faire pression auprès de Radio-Canada pour avoir accès aux services en français de la Société.

L'Ontario

Pour reprendre les paroles du premier ministre David Peterson, l'Ontario a continué de faire sa part dans l'« édification de la nation ». Le travail de mise en

œuvre de la *Loi sur les services en français* — si importante pour les 484 000 Franco-Ontariens — s'est poursuivi pour la deuxième année. En juin, le ministre délégué aux Affaires francophones, M. Bernard Grandmaître, a fait le point sur la situation à cet égard. Les coordonnateurs des services en français élaborent leurs plans linguistiques, et la plupart des ministères disposent maintenant de certaines ressources bilingues, notamment parmi les agents de personnel et d'information ainsi que chez les réviseurs. Partout où le besoin s'en faisait sentir, on a rendu bilingues l'affichage, les formulaires, les claviers et les documents de travail, et l'on a désigné bilingues de 8 à 10 p. 100 des 90 000 postes de la Fonction publique ontarienne. Quelque 3 700 employés recevront une formation linguistique. Selon M. Grandmaître, le gouvernement devrait être en mesure d'offrir la plupart de ses services en français en novembre 1989, comme prévu ; d'ailleurs, bon nombre le sont déjà.

Les municipalités

Sur la scène municipale, la situation est loin d'être aussi reluisante. Le rapport d'un groupe de travail déposé en juillet auprès du ministre délégué aux Affaires municipales, M. John Eakins, en brosse un tableau plutôt sombre. Exception faite d'Ottawa, de Vanier, de Hearst et de Kapuskasing, rares sont les villes ontariennes qui offrent des services en français et quand cela se fait, la qualité laisse beaucoup à désirer. Bien que 175 municipalités comptent une population francophone importante, seules 42 d'entre elles ont rendu bilingues leurs relevés de taxes et pas plus de 25 établissent l'ordre du jour des réunions du conseil municipal dans les deux langues.

Selon le rapport, nombreuses sont les municipalités qui ne profitent pas des programmes provinciaux de bilinguisation, soit délibérément, soit parce qu'elles en ignorent l'existence. Le rapport recommande au gouvernement de conseiller activement les municipalités en matière de services bilingues et de mettre sur pied des banques terminologiques. La mairesse de Vanier, M^me^ Gisèle Lalonde, prône la formation d'une association des municipalités bilingues de l'Ontario afin que celles-ci puissent s'épauler dans la recherche de solutions aux problèmes du fonctionnement dans les deux langues officielles. Cette proposition n'a pas encore reçu l'aval de l'Association des municipalités de l'Ontario. Signalons cependant que le conseil municipal de Cornwall a adopté, en juin dernier, une politique garantissant à chaque citoyen le droit d'être servi dans la langue officielle de son choix.

Après la controverse oiseuse qui a été soulevée à cet égard durant les élections municipales de novembre dernier, il y a sans doute lieu de rappeler que la *Loi sur les services en français* ne s'applique pas aux municipalités. Un certain nombre d'anglophones, chauds partisans de l'Alliance for the Preservation of English in Canada (APEC), ont soutenu à cette occasion que la Loi allait beaucoup trop loin et qu'elle représentait une menace pour tous les non-francophones. À la suite de ces déclarations, un certain nombre de petites municipalités ont affirmé officiellement leur unilinguisme anglais. Par contre, les

autorités provinciales et les autres municipalités n'ont pas accepté les vues de l'APEC et ont refusé de tenir un référendum sur la question.

On s'est employé à améliorer la qualité des services sociaux et de santé offerts en français dans les régions bilingues, notamment dans Ottawa-Carleton. Le Conseil de la santé de cette région a chargé un comité spécial d'évaluer la situation linguistique dans les hôpitaux locaux et de lui faire des recommandations. Par ailleurs, le Conseil de la santé du district de Cochrane a publié un rapport sur l'amélioration des services en français, et on envisage la création d'un centre médical et social francophone à Toronto. À la suite du colloque qui s'est tenu à Sudbury en novembre 1988, on a confié à un groupe d'étude le soin d'examiner la question en ce qui a trait au nord de l'Ontario, et la ministre de la Santé a nommé un coordonnateur bilingue pour s'occuper du dossier dans cette région.

Le nouveau président de la Commission des services en français de l'Ontario, M. Gérard Raymond, a affirmé que les services sociaux et de santé de langue française seraient en tête de liste de ses priorités. La ministre de la Santé a annoncé que des francophones seront nommés aux 16 conseils régionaux de la santé, proportionnellement à leur nombre au sein de la population, dès que des postes deviendront vacants. Devant la gravité de la situation dans le secteur de la santé et des services sociaux (par exemple, seulement 1,4 p. 100 des garderies emploient des francophones), l'Association canadienne-française de l'Ontario (ACFO) a décidé d'accorder une très grande importance à ce dossier en 1988. L'ACFO a également senti le besoin de s'intéresser davantage aux programmes destinés à combattre le taux élevé d'analphabétisme chez les Franco-Ontariens. Attribuable en partie à l'inexistence de moyens d'enseignement dans bon nombre de collectivités, ce problème empêche l'éclosion d'institutions pourtant essentielles au développement de la communauté.

L'enseignement en langue minoritaire

Les 94 183 écoliers et étudiants franco-ontariens (68 887 au primaire et 25 296 au secondaire) se répartissent entre 400 écoles homogènes françaises ou mixtes, lesquelles sont gérées par 78 conseils scolaires distincts. Cependant, jusqu'à cette année, la province ne comptait aucun conseil scolaire de langue française autonome. Le 29 juin, l'Assemblée législative a adopté la loi 109, créant le Conseil scolaire de langue française d'Ottawa-Carleton. Cette initiative longtemps attendue, qui accorde aux francophones de ce district l'autonomie complète en matière de gestion de leurs écoles, a été généralement très bien accueillie. Le nouveau conseil, qui a vu le jour en décembre, compte 22 conseillers, 14 du secteur catholique et huit du secteur public. Responsable de quelque 1 000 enseignants et 18 000 étudiants, il administre un budget de 100 millions de dollars. La province a également établi un conseil scolaire public de langue française à Toronto où siègent huit conseillers responsables de cinq écoles. Les francophones du reste de la province ont vu poindre une lueur d'espoir lorsque le ministre de l'Éducation, M. Christopher Ward, a indiqué que des conseils scolaires de langue française pourraient bien voir le jour ailleurs en Ontario.

Toutefois, la création des conseils scolaires et l'élection des conseillers en novembre dernier ont donné lieu à des débats houleux suscités par la loi 125. Cette loi modifie la façon de déterminer le nombre total de conseillers francophones et anglophones et prévoit l'établissement de listes électorales distinctes afin d'assurer que les établissements francophones sont gérés par des élus de langue française. Dans le passé, la représentation était calculée en fonction du nombre d'étudiants qui fréquentaient les écoles françaises et anglaises, respectivement ; à l'avenir, elle sera proportionnelle à l'importance relative des deux communautés linguistiques. Cependant, au cours du recensement des électeurs francophones et anglophones, entre les mois d'avril et de juin, des milliers de francophones ont été inscrits à tort en tant qu'anglophones. Conséquemment, non seulement ont-ils perdu leur droit de participer à l'élection des conseillers de langue française, mais dans certains districts, le nombre de conseillers francophones s'en est trouvé réduit.

En octobre, l'Association française des conseils scolaires de l'Ontario a porté plainte devant les tribunaux. Le juge Sirois de la Cour suprême de l'Ontario a déclaré nulles et non avenues certaines dispositions de la loi 125 parce qu'elles ne respectent pas l'article 23 de la *Charte canadienne des droits et libertés*. Il a également ordonné que l'élection des conseillers scolaires, alors prévue pour le mois de novembre, se déroule conformément aux anciens règlements. Sa décision a été renversée peu de temps après par le juge Lacourcière de la Cour d'appel de l'Ontario, qui a considéré que cette décision venait trop tard pour que le gouvernement puisse la mettre en œuvre.

L'élection des conseillers a donc eu lieu en novembre et les conseils scolaires de langue française d'Ottawa-Carleton et de Toronto ont été mis sur pied en décembre comme prévu. Entre-temps, dans les comtés unis de Prescott et de Russell, la mise en œuvre des recommandations du rapport Godbout (1987), dont l'une visait la création d'un conseil scolaire francophone dans Prescott-Russell, a été entamée. Parallèlement, les francophones de Stormont-Dundas-Glengarry dressaient des plans pour l'établissement d'un conseil autonome en novembre 1991.

L'enseignement postsecondaire en français

Les Franco-Ontariens se sont réjouis de l'engagement de principe que la ministre des Collèges et Universités, M^me^ Lyn McLeod, a pris en septembre dernier de créer un collège communautaire de langue française. Les autorités provinciales ont alors engagé des pourparlers avec le gouvernement fédéral en vue de la participation financière de ce dernier au projet. Ce collège serait vraisemblablement formé à partir du collège Algonquin d'Ottawa, dont les 1 700 étudiants francophones représentent près des deux tiers des Franco-Ontariens inscrits à des programmes d'études collégiales dans leur langue. M^me^ McLeod a d'autre part annoncé la mise sur pied, au sein de son ministère, d'un groupe d'étude chargé d'examiner divers modèles organisationnels et de définir les relations que le nouveau collège serait appelé à avoir avec les autres établissements de la province

dispensant des cours en français : Cambrian à Sudbury, Canadore à North Bay, Northern à Timmins, Niagara à Welland et St. Lawrence à Cornwall. On espère ainsi susciter la formation d'un réseau de trois ou quatre collèges communautaires francophones susceptibles de répondre efficacement aux aspirations de l'ensemble de la population franco-ontarienne. Les francophones de l'extérieur d'Ottawa ont toutefois fait valoir qu'il serait tout autant nécessaire de créer un collège francophone dans leurs régions respectives, rappelant aux autorités que si leurs enfants sont, par rapport à l'ensemble de la population, moins nombreux que les anglophones à poursuivre des études postsecondaires, c'est en bonne partie parce qu'ils n'ont pas aussi facilement accès à l'enseignement dans leur langue maternelle.

La communauté francophone a également souligné le besoin d'une université de langue française en Ontario. Bien que l'Université d'Ottawa, l'Université Laurentienne et l'Université York offrent des programmes d'études en français, il ne s'agit pas à proprement parler d'établissements de langue française, et les étudiants francophones y sont en minorité. Le gouvernement provincial continue de réfléchir à la question. Le 12 janvier 1989, les autorités fédérales et provinciales ont annoncé une entente en vertu de laquelle 100 millions de dollars seront consacrés au cours des huit prochaines années au développement des programmes et des services en langue française au niveau postsecondaire en Ontario. Environ les deux tiers des crédits serviront à l'établissement du collège communautaire d'Ottawa, lequel sera en mesure d'accueillir quelque 2 500 étudiants dès 1990. L'amélioration de l'enseignement postsecondaire dans le nord, le centre et le sud-ouest de la province fera l'objet de consultations entre le gouvernement et les communautés francophones intéressées.

Le 30 novembre dernier, les gouvernements fédéral et provincial ont conclu une entente visant la promotion des langues officielles. En vertu de cette entente, Ottawa assumera 50 p. 100 des dépenses reliées à la mise en œuvre de divers projets émanant de ministères et d'organismes provinciaux en vue d'améliorer les services en langue française et de favoriser l'épanouissement de la communauté franco-ontarienne.

Dans le secteur de la radiotélévision, diverses initiatives valent la peine d'être soulignées. La chaîne française de TVOntario a réussi à accroître ses services tout en continuant d'offrir à ses auditeurs francophones et anglophones bilingues une gamme variée d'émissions éducatives et de variétés. Cependant, cette chaîne a reçu un droit de diffusion pour une période d'essai de cinq ans et le temps presse qu'une décision soit prise quant à son avenir, étant donné que ce réseau représente le chaînon essentiel qui unit les Franco-Ontariens et les anglophones bilingues, dont le nombre ne cesse de s'accroître. Le Secrétaire d'État a fait plusieurs heureux en octroyant une subvention pour la création d'une radio communautaire francophone à Hearst. Les Franco-Ontariens ont également applaudi à l'arrivée d'une station communautaire francophone à Penetanguishene.

Au cours de l'année, l'Association canadienne-française de l'Ontario s'est occupée de plusieurs dossiers. L'accord du lac Meech a été pour elle un sujet de préoccupation, car il n'assure pas à ses yeux une protection suffisante aux minorités francophones hors du Québec. Elle a par ailleurs exercé des pressions sur le premier ministre Peterson pour l'inciter à rendre l'Ontario officiellement bilingue. Les sections régionales de l'ACFO ont également été très actives en organisant des célébrations à l'exemple du Festival franco-ontarien d'Ottawa. Le Conseil des organismes francophones du Toronto métropolitain a célébré le 10e anniversaire de sa fondation : il s'est réjoui de constater que la Ville-Reine compte aujourd'hui 60 000 personnes qui ont comme première langue le français et 294 000 qui sont en mesure de le parler.

Les Franco-Ontariens ont lieu de se réjouir de l'évolution de leur situation ainsi que de la reconnaissance accrue du fait français en Ontario. Selon les résultats d'un sondage Gallup publiés en juin dernier, près de 50 p. 100 des Ontariens, notamment les jeunes, sont désormais favorables au bilinguisme officiel.

Cela dit, une question subsiste : les initiatives sont-elles suffisamment nombreuses et surviennent-elles avant qu'il ne soit trop tard ? Les résultats de l'étude que le Commissariat a menée sur la situation de la communauté francophone de Welland donnent à réfléchir, et nous sommes largement convaincus que ce que nous y avons constaté — les pertes dues à l'assimilation et à l'acculturation — sévit dans bien d'autres communautés francophones de la province. Le seul espoir tient à la mise en œuvre de programmes fédéraux et provinciaux efficaces, à l'appui généreux et soutenu de la majorité et à la détermination inébranlable des Franco-Ontariens eux-mêmes.

Québec

La démolinguistique

L'accord du lac Meech établit que les Canadiens d'expression anglaise sont « concentrés dans le reste du pays mais aussi présents au Québec ». S'il reconnaît que le Québec forme une société distincte au sein du Canada, la minorité de langue anglaise fait partie intégrante de cette société distincte. M. Guy Rivard, le ministre responsable de la *Charte de la langue française*, a affirmé pour sa part : « Le Québec est unique. Unique du point de vue linguistique, social et culturel. Et le fait anglais est un élément important de la spécificité du Québec. » (Notre traduction.)

Selon les données du recensement de 1986, quelque 680 000 habitants du Québec, soit 10,4 p. 100 de la population globale, affirment avoir l'anglais comme langue maternelle. Viennent s'y ajouter 117 000 Québécois dont l'anglais est la langue d'usage à la maison. Quelque 500 000 anglophones (73,5 p. 100 d'entre eux) sont concentrés dans la région montréalaise où ils ont accès à un vaste réseau d'institutions de langue anglaise. Par contre, les 180 000 autres anglophones qui vivent dans d'autres régions de la province éprouvent parfois de la difficulté à obtenir des services dans leur langue.

Si les Québécois d'expression anglaise ne représentent qu'un dixième de la population globale de la province (6,5 millions d'habitants), il n'en demeure pas moins que leur langue est celle de l'immense majorité des Canadiens et des Nord-Américains. À l'échelle du continent, les francophones du Québec sont donc en situation de minorité. Cette faiblesse démographique rend vulnérable la langue française : c'est ce qui explique que les Québécois francophones cherchent depuis longtemps à prendre les moyens pour assurer la sauvegarde de leur avenir linguistique. Conscient des répercussions à long terme de la dénatalité et du vieillissement de la population, le gouvernement du Québec a élaboré une nouvelle politique démographique et nommé un ministre responsable de la famille. Dans le vaste débat qui entoure l'application de la *Charte de la langue française* et les relations complexes entre les deux communautés linguistiques du Québec, il est essentiel de garder à l'esprit le contexte global dans lequel ils s'inscrivent.

Le Québec compte 400 000 allophones, et leur choix d'adhérer à l'une ou l'autre collectivité de langue officielle joue un rôle de premier plan dans l'avenir de la province. Dans le numéro été 1988 de *Langue et Société*, M^me^ Gretta Chambers, éditorialiste du quotidien *The Gazette*, s'exprimait ainsi : « L'intégration des immigrants devient rapidement le principal problème social au Québec. Le fait anglais du Québec, qui est synonyme de bilinguisme, est perçu comme la pierre d'achoppement de l'intégration [des immigrants à la collectivité francophone]. »

L'évolution de la communauté anglophone du Québec au cours des dernières années a été dramatique et divers événements l'ont amenée à s'interroger sur sa vitalité à long terme. Le démographe Jacques Henripin a noté (*Langue et Société*, automne 1988) que l'émigration nette des Québécois de langue maternelle anglaise a été de 16 000 par an entre 1971 et 1981, et de 8 000 par an entre 1981 et 1986. En outre, cette tendance se manifeste surtout chez les jeunes. Dans *Les anglophones de Montréal : émigration et évolution des attitudes 1978-1983*, Uli Locher souligne que l'exode des anglophones est surtout attribuable à des facteurs économiques. Par contre, certains soutiennent que les facteurs politiques et linguistiques ne peuvent être dissociés des facteurs économiques. Quoi qu'il en soit, cette émigration a eu un effet non négligeable sur la communauté anglophone du Québec. Comme nous avons pu le constater dans notre étude des anglophones de l'Estrie, certaines collectivités de langue anglaise à l'extérieur de la région de Montréal ont subi de terribles saignées, et plusieurs établissements — écoles, hôpitaux, églises et centres communautaires — ont été soit fermés, soit cédés à la communauté francophone.

Au début de 1988, les cinéphiles se sont dit préoccupés par le projet d'amendement à la *Loi sur le cinéma* déposé par la ministre des Affaires culturelles, visant à restreindre le nombre de films distribués en anglais dans la province sans qu'une version en langue française soit disponible. Ce projet de loi avait pour but d'inciter les distributeurs à accélérer la production et la distribution des

versions françaises. L'industrie cinématographique s'étant engagée à donner suite aux recommandations de la Ministre, le gouvernement a décidé de différer la mise en œuvre des dispositions restrictives. La Régie du cinéma a suivi la situation tout au long de l'année, et le gouvernement a annoncé en décembre qu'il reportait à mai 1989 l'entrée en vigueur de ces dispositions. On espérait que les producteurs de films veilleraient eux-mêmes à ce que les versions françaises soient en mesure de concurrencer sur un pied d'égalité les films distribués en anglais.

Les collectivités anglophones à l'extérieur de Montréal continuent de déplorer le choix restreint d'émissions locales de radio et de télévision de langue anglaise que leur offre la Société Radio-Canada. Des contraintes budgétaires ont forcé la Société à sabrer dans sa programmation locale, et nombre d'émissions sont maintenant diffusées à partir de Montréal. À Québec, des représentants de l'association Voice of English Quebec se sont opposés au projet de Radio-Canada de faire passer sa programmation d'émissions locales de langue anglaise de trois heures par semaine à une dérisoire demi-heure.

La Cour suprême du Canada a rendu sa décision cette année dans l'affaire Nancy Forget, une aide-infirmière qui s'est vue refuser le droit d'exercer sa profession parce qu'elle avait échoué aux examens de français. Le tribunal a confirmé la validité des dispositions de la *Charte de la langue française* visant les exigences linguistiques auxquelles doivent satisfaire les membres des ordres professionnels. La majorité des juges ayant décidé que ces exigences n'étaient pas discriminatoires, la décision rendue par un tribunal d'instance inférieure en faveur de M^me^ Forget a donc été renversée (voir le chapitre 3 de la partie I). Une autre cause a été portée devant les tribunaux à la fin de l'année. La ville de Rosemère ainsi qu'un groupe de citoyens de cette municipalité appuyés par Alliance Québec ont intenté des poursuites distinctes contestant la révocation du statut de municipalité bilingue. En vertu de la *Charte de la langue française*, les municipalités dont la population non francophone représente moins de 50 p. 100 de l'ensemble des habitants, ce qui est le cas pour Rosemère, n'ont pas droit au statut de municipalité bilingue.

Les services sociaux et de santé

Deux ans se sont écoulés depuis l'adoption du projet de loi 142 qui consacre le droit des anglophones de recevoir dans leur langue des services sociaux et de santé. On effectue progressivement la mise en œuvre de ses dispositions, mais les membres de la minorité à Montréal et dans certaines régions périphériques déplorent toujours le manque de services essentiels en langue anglaise. On a également déploré que la Commission Rochon sur les services sociaux et de santé ne se soit pas penchée sur les problèmes liés à la mise en œuvre du projet de loi 142. Bien que la Commission ait reconnu le caractère hétérogène de la population et prôné une plus grande participation communautaire au système des services sociaux et de santé, elle n'a pas traité spécifiquement des problèmes particuliers de la clientèle anglophone.

L'élaboration de plans d'accès aux services en langue anglaise par les conseils régionaux de la santé et des services sociaux devait être une étape clé dans la mise en œuvre de la loi 142. Malheureusement, certains conseils desservant une importante population minoritaire, notamment ceux de Montréal et de la Montérégie, ont réagi lentement. Les choses semblaient toutefois en voie de s'améliorer en fin d'année. Ainsi, le Conseil de l'Estrie a préparé et distribué, avec le concours de la Townshippers' Association, un dépliant de langue anglaise sur les services de santé. D'autre part, certains groupes anglophones ont souligné le manque de personnel bilingue dans les centres locaux de services communautaires et les hôpitaux. La ministre de la Santé et des services sociaux a annoncé en fin d'année l'octroi de fonds à un centre d'accueil pour les jeunes anglophones dans la région de la Montérégie. Des problèmes linguistiques ont également été signalés dans le secteur des services de bien-être social. Par exemple, une étude montre que 17 p. 100 de la population anglophone de Montréal vit au-dessous du seuil de la pauvreté, et pourtant la prestation des services de bien-être social en langue anglaise laisse grandement à désirer.

L'enseignement en langue minoritaire

À la fin de l'année 1988, le gouvernement du Québec a complété son examen de deux mesures législatives : le projet de loi 106 (Loi sur les élections scolaires) et le projet de loi 107 (Loi sur l'instruction publique), qui visent à établir un système scolaire linguistique plutôt que confessionnel dans la province. Plusieurs leaders d'opinion, tant francophones qu'anglophones, reconnaissent qu'un système défini selon des critères linguistiques satisferait davantage les besoins d'une population minoritaire en baisse et dispersée, en consolidant les ressources des écoles catholiques et protestantes de langue anglaise. Ce système favoriserait également la participation des parents anglophones catholiques à la gestion des écoles fréquentées par leurs enfants. Dans plusieurs cas, ces parents constituent à l'heure actuelle une faible minorité au sein d'écoles qu'administrent des francophones. Par contre, certains administrateurs scolaires et membres de la communauté minoritaire craignent que ces dispositions ne respectent pas le droit à l'enseignement garanti par la *Loi constitutionnelle de 1867*, voire ne menacent le rôle traditionnel et l'autonomie des commissions scolaires. Le gouvernement du Québec a accepté de porter la question devant les tribunaux afin de vérifier la constitutionnalité du projet de réforme. À la grande consternation des tenants de ce projet, aucune décision à cet égard ne sera rendue avant trois ans.

Malgré une augmentation récente des inscriptions au primaire, le nombre d'enfants fréquentant les écoles de langue anglaise ne cesse de diminuer. Même les commissions scolaires protestantes, où les anglophones ont toujours représenté une majorité écrasante, ne sont pas épargnées. Une étude récente menée pour le compte du ministère de l'Éducation montre qu'entre 1976-1977 et 1986-1987, l'effectif du secteur scolaire anglophone a diminué de 48 p. 100, passant de 215 117 à 111 410 élèves. Le système anglophone continue d'être aux prises avec des fermetures d'écoles, des réorganisations et des secteurs administratifs immenses où les élèves de langue anglaise doivent effectuer un long trajet en

autobus pour se rendre en classe. Si les francophones doivent composer avec le même problème dans certaines régions, notre étude sur les anglophones de l'Estrie a démontré que la situation de la minorité est particulièrement difficile en raison de leur dispersion.

En octobre, le septième cégep de langue anglaise de la province, le collège Héritage, a ouvert ses portes à Hull. Le ministre de l'Éducation a fait remarquer que ce collège, qui accueille 747 étudiants, est maintenant complètement indépendant du cégep francophone de l'Outaouais et que la communauté anglophone a le droit de gérer ses propres établissements. M. Ryan a également rassuré les deux groupes linguistiques lorsqu'il a annoncé qu'en 1988-1989, son ministère accorderait la priorité à l'enseignement du français langue maternelle, tandis qu'en 1989-1990, l'accent serait mis sur l'enseignement du français et de l'anglais langues secondes. D'autres programmes intéressant les deux communautés linguistiques sont également à l'étude : émissions radiophoniques dans les deux langues destinées aux aveugles et aux malvoyants dès 1990, politique d'aide familiale et activités promotionnelles dans les secteurs du cinéma et de la culture.

Depuis le mois de mars, les anglophones de Montréal ont accès à un deuxième quotidien dans leur langue, le *Daily News*. Notons également la création de la Quebec Society for the Promotion of English Language Literature (QSPELL). Les premiers prix littéraires de la QSPELL ont été remis à des écrivains anglo-québécois en novembre dernier.

Le sempiternel problème de la sous-représentation des anglophones au sein des fonctions publiques fédérale et provinciale n'a toujours pas été réglé. Le président d'Alliance Québec, M. Royal Orr, a déclaré : « Je trouve carrément scandaleux qu'il y ait moins de 400 Québécois d'expression anglaise dans la Fonction publique [provinciale]. Il est inacceptable que la communauté anglophone (...) brille par son absence » (notre traduction). Les anglophones ne représentent que 0,8 p. 100 de l'effectif de la Fonction publique provinciale, et leur taux de participation dans les bureaux de la Fonction publique fédérale au Québec est également nettement insuffisant, bien que la situation se soit améliorée dans les catégories Gestion et Scientifiques et spécialistes (voir le chapitre 4 de la partie II).

Les associations représentant la minorité de langue officielle du Québec ont été très actives en 1988. Alliance Québec et la Townshippers' Association ont comparu devant le Comité législatif chargé d'examiner le projet de loi sur les langues officielles et ont mis de l'avant des suggestions fort intéressantes. Ces deux associations, de même que divers autres groupes — le Commitee for Anglophone Social Action de Gaspé, la Voice of English Quebec, l'Outaouais Alliance et la Châteauguay Valley English-speaking People's Association — se sont penchés sur plusieurs questions liées aux services sociaux et de santé, et ont mis en œuvre divers projets communautaires. Quelque 5 000 personnes, dont le

Secrétaire d'État d'alors, M. Lucien Bouchard, ont participé à la neuvième journée annuelle de la Townshipper's Association tenue en septembre dernier.

La loi 101

Le 15 décembre, la Cour suprême du Canada a rendu deux décisions clés touchant l'application de la *Charte de la langue française* du Québec (voir le chapitre 3 de la partie I). Appelée à se prononcer sur la compatibilité de l'article 58 avec la liberté d'expression garantie par la *Charte québécoise des droits et libertés de la personne* et par la *Charte canadienne des droits et libertés*, la Cour suprême a reconnu au Québec le pouvoir de légiférer en matière linguistique et même d'imposer la prédominance du français dans l'affichage commercial, le besoin de protéger la langue française étant manifeste. Cependant, elle a également déclaré que la nécessité d'interdire l'usage d'autres langues n'avait pas été clairement établie, et que l'article 58 était incompatible avec la liberté d'expression garantie par les chartes québécoise et canadienne des droits et libertés. Par conséquent, l'article 58 a été déclaré nul et non avenu.

Le gouvernement du Québec a réagi promptement en prenant des mesures destinées à combler le vide juridique créé par les décisions de la Cour suprême du Canada. Invoquant la clause nonobstant qui permet de soustraire une loi aux dispositions des deux chartes, le gouvernement a déposé le projet de loi 178 imposant l'usage exclusif du français dans l'affichage à l'extérieur des commerces, mais permettant l'affichage en d'autres langues, pour certaines catégories de commerces, à l'intérieur à condition que le français prédomine. Le premier ministre Bourassa a déclaré qu'il avait opté pour une solution de compromis qui respecte à la fois certains des vœux des tenants du respect intégral de la loi 101 et de ceux des tenants de l'affichage bilingue. Le projet de loi a été adopté le 21 décembre à 84 voix contre 20.

L'opposition à l'Assemblée nationale et certains membres de la communauté francophone ont critiqué l'adoption du projet de loi 178, soutenant qu'il n'accordait pas une protection suffisante à la langue française et qu'il constituait un pas de plus vers ce qu'ils ont qualifié de démantèlement de la *Charte de la langue française*. La communauté anglophone a également réagi avec colère. Trois des quatre ministres anglophones du cabinet de M. Bourassa ont manifesté leur opposition en démissionnant, et le quatrième n'a pas caché qu'il était en proie à un trouble profond. Les médias de langue anglaise et les leaders d'opinion de la communauté anglophone de la province ont été quasi unanimes à condamner le recours à la clause nonobstant et à la formule de l'affichage extérieur-intérieur. Le projet de loi a également suscité de vives réactions négatives à l'extérieur de la province, notamment de la part de plusieurs personnalités politiques sur la scène fédérale et provinciale. Le premier ministre du Manitoba, M. Gary Filmon, est allé jusqu'à retirer son appui à l'accord du lac Meech prétendument en guise de protestation.

Le débat entourant la langue d'affichage ne date pas d'hier. On se souviendra qu'au cours de la campagne électorale de 1985, le chef du Parti libéral du

Québec avait donné à entendre qu'il serait disposé à permettre l'affichage bilingue. Après l'élection, la communauté anglophone a été déçue de l'absence de mesures à cet égard. Le premier ministre Bourassa a réagi en déclarant qu'il devait avant tout sauvegarder la paix sociale, nombre de Québécois francophones s'opposant farouchement à tout amendement à la *Charte de la langue française*.

Alliance Québec est d'avis qu'en adoptant le projet de loi 178, non seulement le gouvernement avait-il trompé la confiance de la communauté anglophone, mais qu'il enfreignait des droits fondamentaux. M. Royal Orr a déclaré en termes énergiques : « C'est un sombre jour pour les Québécois, pour tous les Québécois, car leur gouvernement a décidé de fouler aux pieds un droit fondamental reconnu par l'Assemblée nationale par le biais de la *Charte québécoise des droits et libertés de la personne*. (...) Nous avons une conviction (...) : que la grande majorité des Québécois a confiance dans l'avenir du français, de la culture française, et nous sommes convaincus que la langue et la culture françaises peuvent être protégées sans balayer les autres langues et particulièrement l'anglais, du visage linguistique de cette province. » Abondant dans le même sens, un éditorialiste du quotidien montréalais *The Gazette* a souligné que si le premier ministre Bourassa avait à faire un choix difficile, sa décision laisse clairement entendre qu'il est acceptable de promouvoir les droits d'un groupe en supprimant ceux d'un autre. Par contre, les éditoriaux dans la presse francophone donnaient pour la plupart un tout autre son de cloche. M. Paul-André Comeau, rédacteur en chef du *Devoir*, a écrit : « Le gouvernement du Québec ne peut se soustraire à l'obligation première et fondamentale de prendre en charge les intérêts de ce peuple [la collectivité francophone au Québec]. D'où le légitime recours à des mesures qui établiront les conditions non seulement de la survie, mais surtout de l'épanouissement de notre peuple... ».

Commentant la réaction du Québec aux décisions de la Cour suprême du Canada, le Commissaire a déclaré, le 20 décembre dernier, qu'à son avis il aurait été préférable que le premier ministre Bourassa assure la primauté du français sans recourir à la clause nonobstant, qui limite les droits fondamentaux de la minorité. Rappelant la situation asymétrique des communautés minoritaires francophone et anglophone dans le contexte nord-américain, il a souligné une fois de plus la situation précaire du français. Il s'est néanmoins prononcé de nouveau en faveur d'une attitude généreuse envers les minorités et du respect de leurs droits fondamentaux, dont la liberté d'expression commerciale garantie selon la Cour Suprême par la Constitution fait partie intégrante. Il a fait savoir qu'il en avait avisé les autorités compétentes. Le Commissaire a dit espérer que le Québec trouverait dans un avenir prochain, le moyen de sauvegarder son patrimoine culturel sans recourir à des mesures restrictives telles que celles énoncées dans le projet de loi 178.

L'année a pris fin sur une triste note. Pour la deuxième fois en six ans — la première étant l'incendie qui a ravagé les bureaux de la Société franco-manitobaine

à Saint-Boniface (Manitoba) en janvier 1983 — on s'est attaqué au siège social d'une organisation représentant une minorité. Le 30 décembre, les bureaux d'Alliance Québec à Montréal ont été détruits par un incendie criminel dont l'auteur n'a toujours pas été identifié. Le Commissaire s'est dit outré de l'incident. Il a ajouté qu'à la lumière des menaces qu'avait reçues à maintes reprises Alliance Québec, l'incendie semblait avoir pour objet d'intimider cet organisme qui se consacre, par des moyens démocratiques et entièrement pacifiques, à la défense des intérêts des Québécois de langue anglaise et de nos autres minorités canadiennes.

À la fin de l'année, les décisions de la Cour suprême du Canada et la loi 178 provoquaient toujours un vif débat, tant au sein de la communauté francophone qu'entre celle-ci et les anglophones, et tout porte à croire que la tension persistera en 1989. Néanmoins, beaucoup de gens pensent généralement que le moment est venu pour le Québec de se concentrer sur d'autres dossiers. Nombre de Québécois souhaitent tourner la page, confiants que le temps favorisera la cicatrisation des blessures linguistiques. Le message de Noël de l'éditorialiste du quotidien *La Presse*, M^me^ Lysiane Gagnon, était d'ailleurs éloquent à cet égard : « Aujourd'hui s'ouvre le congé de Noël (...). Regardons autour de nous, dans les rues de notre ville, et plutôt que de lever les yeux vers les affiches, les enseignes (...), regardons à notre hauteur les êtres humains qui nous côtoient. Donnons-nous une trêve, donnons-nous la paix. »

Les anglophones du Québec, qui sont presque aussi nombreux que les francophones hors du Québec, ont senti le besoin de donner libre cours à leurs frustrations. Parallèlement, le gouvernement du Québec, le seul gouvernement majoritairement francophone en Amérique du Nord, s'est acharné à trouver une meilleure solution au problème, et la seule option à son avis pratique qu'il ait trouvée a été d'appliquer des mesures constitutionnelles spéciales pour assurer la sauvegarde de la langue française. Cependant, les deux communautés linguistiques reconnaissent le besoin de renouveler le dialogue. Nombre de Québécois d'expression française défendent les droits de la minorité et les sondages d'opinion montrent que la majorité est favorable à un certain bilinguisme, notamment dans le secteur des services. On a signalé que la prestation de services dans la langue de la minorité n'entraîne pas nécessairement d'énormes changements. Sans être parfaite, l'administration fédérale se tire d'affaire, grâce à des effectifs bilingues dont le nombre par rapport à l'ensemble des fonctionnaires reflète assez fidèlement le pourcentage de la population francophone au pays. Par ailleurs, la communauté anglophone semble se remettre du traumatisme de l'exode et tendre vers une stabilisation, grâce à des perspectives économiques améliorées dans la province. Ses établissements d'enseignement, de santé et du secteur communautaire survivent et ses leaders témoignent du dynamisme voulu pour entretenir un dialogue constructif avec la majorité. Quant aux francophones, force nous est de reconnaître que la loi 101 a engendré un sentiment de sécurité culturelle qui, à notre avis, ne devrait pas être troublé outre mesure par

des changements découlant des décisions de la Cour suprême du Canada, voire de l'Assemblée nationale.

Les provinces de l'Atlantique

Les 282 000 francophones des provinces de l'Atlantique ont connu une des meilleures et une des pires années, en 1988. Une des meilleures grâce aux progrès notables réalisés dans le secteur de l'éducation postsecondaire et dans la prestation des services gouvernementaux en français au Nouveau-Brunswick. En effet, il y a exactement vingt ans, la province adoptait sa *Loi sur les langues officielles*, mais elle n'avait jamais élaboré de politique précise à ce sujet. Par ailleurs, l'Île-du-Prince-Édouard a conclu, avec le gouvernement fédéral, une entente-cadre sur les langues officielles. Les parents de Summerside, ainsi que toute la collectivité acadienne se sont réjouis de la décision rendue par la Cour suprême de la province de même que des décisions subséquentes du gouvernement provincial en matière d'éducation. De plus, on a annoncé la création d'un collège communautaire en Nouvelle-Écosse. Par contre, ce fut une moins bonne année pour les lecteurs du quotidien *Le Matin*, successeur de *L'Évangéline*, qui a dû fermer ses portes en juin dernier, ainsi que pour les parents francophones de Sydney (N.-É.) qui, après des années de lutte acharnée, ne semblent pas prêts d'avoir une école française à la suite de la décision de la Cour suprême de la Nouvelle-Écosse. D'autre part, à Saint-Jean, Terre-Neuve, les francophones se trouvent obligés de livrer une longue bataille pour le respect de leurs droits en matière d'instruction.

Nouvelle politique linguistique

Moins d'un an après son accession au pouvoir au **Nouveau-Brunswick**, le gouvernement de M. Frank McKenna a rendu publique, en août 1988, sa politique des langues officielles. Cette politique est le fruit du travail d'un comité ministériel présidé par M^me^ Aldéa Landry, présidente du Conseil exécutif et ministre responsable des Affaires intergouvernementales. Fondée sur la Loi constitutionnelle canadienne et sur les lois provinciales sur les langues officielles, elle a pour objet « d'offrir et de dispenser aux citoyens du Nouveau-Brunswick des services de qualité égale et garantir ces services aux membres des deux communautés linguistiques ». Elle s'applique à « l'ensemble des ministères, organismes, institutions et sociétés de la Couronne » de l'État provincial et comporte deux volets, la langue de service et la langue de travail. Les droits en ce qui touche la langue de service sont sans équivoque : « tout résident ou tout organisme peut communiquer avec un ministère, un organisme, une corporation de la Couronne ou un établissement du gouvernement provincial dans la langue de son choix et il peut s'attendre à recevoir les services disponibles dans la langue qu'il aura choisie, peu importe où ces services sont fournis ». Par contre, les passages sur la langue de travail sont plus flous et ont pour effet d'atténuer les exigences linguistiques en matière de surveillance et de maintien des opérations courantes durant la période de mise en œuvre. La politique est en effet assortie d'une clause garantissant aux employés unilingues qu'ils n'en souffriront ni dans leur possibilité d'emploi, ni dans leur avancement.

Certains membres de la communauté anglophone de la province craignent malgré tout que la politique ne compromette la situation et les possibilités de carrière des anglophones dans la fonction publique provinciale. La Société des Acadiens et des Acadiennes du Nouveau-Brunswick (SAANB), pour sa part, estime que le document est « vague » et ne « fait que réorganiser le statu quo ». Elle regrette que le gouvernement n'ait pas accepté l'idée d'une commission provinciale de protection des droits linguistiques, qu'il n'ait pas pris d'engagements plus fermes en matière de langue de travail et qu'on ait escamoté la question de la participation équitable. À son avis, il est temps que la province se donne une nouvelle loi sur les langues officielles d'une envergure au moins égale à celle du Canada.

Par ailleurs, la SAANB souhaite qu'on enchâsse dans la Constitution du Canada la « loi 88 » reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick, au même titre que la loi provinciale sur les langues officielles qui y figure déjà. Si le premier ministre McKenna, qui s'y est engagé à plus long terme, n'a pas encore donné suite à cette demande, il a cependant exprimé de sérieuses réserves sur l'accord constitutionnel du lac Meech, entre autres parce qu'il ne mentionne pas spécifiquement la communauté francophone du Nouveau-Brunswick. L'Assemblée législative entreprenait à l'automne des audiences publiques sur l'accord du lac Meech, qui devaient s'étendre notamment au dossier des revendications constitutionnelles des francophones hors du Québec.

En juin, le quotidien français de Moncton *Le Matin* fermait ses portes. Dans les mois qui suivirent, on n'a pu trouver une formule qui aurait permis au journal de reprendre ses activités, si vitales pour l'épanouissement socio-culturel de l'Acadie, malgré les efforts soutenus des leaders de la communauté francophone. Fort heureusement, le quotidien français de Caraquet, *L'Acadie nouvelle*, est toujours très actif et a même des projets d'expansion. Il existe également plusieurs hebdomadaires dont *Le Madawaska*, *L'Aviron*, *Pro-Kent* et *L'Express du Sud-est*.

Radio communautaire

Grâce à un travail acharné, le projet de radio communautaire dans la péninsule acadienne s'est concrétisé avec la mise en ondes de CKRO-MF, le 18 juillet 1988. Première station de radio communautaire de la province, cette initiative sera vraisemblablement suivie d'autres projets similaires à Edmundston, Saint-Jean et Fredericton. Ces nouveaux postes de radio complètent le réseau déjà établi de Radio-Canada MA qui produit plus de 40 heures de programmation par semaine pour le Nouveau-Brunswick. Notons enfin que les francophones de la province captent évidemment la télévision française de Radio-Canada et, grâce au service de câblodistribution, ont accès à plusieurs autres postes de télévision de langue française. Toutefois, TV5 n'est toujours capté que par une petite minorité.

Éducation

L'année 1988 marque le 25e anniversaire de la fondation de l'Université de Moncton. L'Université compte aujourd'hui quelque 4 400 étudiants répartis sur

trois campus : Moncton, Edmundston et Shippegan. Cette année, l'Université a ajouté à sa panoplie de cours un nouveau programme, celui du génie mécanique. Elle a exercé et continue d'exercer une influence considérable sur le développement socio-culturel de l'Acadie et de la province dans son ensemble. Nous nous devons de citer le récent ouvrage de Benjamin Higgins et Maurice Beaudin sur cette question[1]. Notons également que le collège communautaire de Dieppe a officiellement ouvert ses portes en 1987 et accueillait cette année près de 450 étudiants. Ce collège fait partie d'un réseau de quatre collèges communautaires de langue française dans la province.

Le Nouveau-Brunswick possède le système scolaire « dualiste » le plus complet au pays et le plus respectueux de l'article 23 de la *Charte canadienne des droits et libertés*. Le ministère provincial de l'Éducation comprend deux structures administratives parallèles, chacune coiffée d'un sous-ministre, mais offrant certains services communs qui répondent aux besoins des deux structures linguistiques. Son réseau d'écoles françaises comprend 157 écoles qui regroupent 2 622 enseignants et 46 000 élèves. Ceux-ci relèvent de 15 conseils scolaires de langue française.

Trois centres scolaires et communautaires ont vu le jour jusqu'ici à Fredericton, Saint-Jean et Newcastle. Tous les Acadiens ont accueilli avec enthousiasme ces trois centres. Les lieux sont fréquentés de plus en plus par les membres des communautés minoritaires, surtout des étudiants qui s'en servent pour des activités culturelles et de loisirs. De plus, il est à noter que la province compte plusieurs sociétés culturelles et historiques, quatre maisons d'édition et trois troupes de théâtre professionnel qui témoignent toutes de la vitalité et de l'épanouissement culturel des Acadiens.

Services de santé en langue française

Dans notre Rapport de 1987, nous avons fait état de problèmes persistants dans la prestation de services de santé en langue française dans plusieurs régions acadiennes, notamment dans le nord de la province. Le gouvernement a depuis annoncé un programme de rattrapage et engagé une première somme de dix millions de dollars afin de pallier les insuffisances comme celles relevées par la SAANB dans un rapport intitulé *Concertation*. Ce rapport recommandait notamment au gouvernement provincial que : « ... tous les établissements de santé au Nouveau-Brunswick ... soient tenus en tout temps d'assurer des services d'information générale, d'ambulance et d'urgence dans les deux langues officielles ».

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[1] Benjamin Higgins et Maurice Beaudin affirment dans leur étude intitulée *Impact de l'Université de Moncton* (pour le compte de l'Institut canadien de recherche sur le développement régional) : « En effet, l'Université de Moncton a peut-être droit au titre d'*université progressive* plus que toute autre université de la province, voire de la région atlantique, car elle a su mettre l'accent sur les domaines qui contribuent le plus directement au développement de la province : administration des affaires, administration publique, gestion des pêches, sciences et génie, sciences de l'éducation, sciences forestières, sciences économiques, droit ... ».

Commentant cette question durant son passage à Fredericton au mois de mai 1988, le Commissaire a tenu à souligner l'engagement du gouvernement provincial : « On a l'impression que des efforts sont en train d'être faits pour traduire des engagements en politique qui deviendront des actions concrètes ».

Les francophones du Nouveau-Brunswick ont, encore cette année, relevé des lacunes sur le plan des services municipaux. En effet, si les anglophones peuvent généralement être servis à l'échelle municipale dans leur langue d'élection, il en est autrement pour les francophones. Rares sont les municipalités qui ont su se doter d'une politique linguistique écrite relative à leurs services et en contrôler l'application de façon adéquate, même dans les régions abritant de fortes populations francophone et anglophone. Par exemple, à Moncton, on a fait état de la difficulté d'obtenir des services convenables en langue française au numéro d'urgence, et à Edmundston, des arrêtés municipaux seraient encore rédigés en anglais seulement. Par ailleurs, durant le tournoi international d'échecs, la ville de Saint-Jean n'a pas su imiter l'excellente performance linguistique de Calgary aux Jeux olympiques, puisque plusieurs services n'ont pas été offerts en français. D'autre part, la décision prise en septembre dernier par des représentants de 14 municipalités réunis à Beresford de mettre sur pied une association des municipalités francophones du Nouveau-Brunswick constitue un pas en avant. Cette association permettra sans doute d'aider à résoudre certains problèmes linguistiques notés à l'échelle municipale.

Le collège de l'Acadie

C'est à Meteghan que les gouvernements du Canada et de la **Nouvelle-Écosse** ont annoncé en août la signature d'un accord visant à établir au sein de la province le « collège de l'Acadie ». Aux termes de cette entente, le gouvernement fédéral assumera la moitié des frais d'établissement. Le collège servira l'ensemble de la population francophone de la province. Inspiré du concept de collège sans murs, il fera appel aux technologies de pointe en matière d'enseignement à distance et s'intégrera à l'une des sept régions du réseau provincial de collèges communautaires. Selon le nouveau ministre responsable des Affaires acadiennes de la Nouvelle-Écosse, M. Guy LeBlanc, « la création du collège de l'Acadie marque en effet un autre pas monumental pour notre communauté acadienne ». Les Acadiens et les Acadiennes pourront poursuivre leurs études dans leur langue première sans être obligés de partir de chez eux. Il est évident que ces derniers ressentent un pareil besoin : les inscriptions à temps plein à l'Université Sainte-Anne, qui est la seule institution francophone de niveau universitaire de la province, ont atteint un total de 300, une augmentation de 34 p. 100 depuis 1987.

Si les nouvelles de la Nouvelle-Écosse sont bonnes en ce qui a trait à l'éducation postsecondaire, il en est autrement au niveau du primaire. L'an dernier nous avions signalé la décision du juge Doane Hallett de la Cour suprême de la Nouvelle-Écosse dans l'affaire des parents de Sydney qui réclamaient une école française. On se souviendra que le juge avait ordonné au Conseil scolaire de

trouver des locaux convenables et de procéder à l'inscription des élèves, qui a eu lieu au début de juin. Malheureusement, seulement 50 élèves ont été inscrits. Selon les parents, on peut expliquer le faible taux d'inscription par le manque de publicité, la nature du programme, la qualité des installations offertes et l'annonce de la mise sur pied de cours d'immersion au même moment par le conseil scolaire. Le ministre de l'Éducation a donc décidé que le nombre d'élèves ne pouvait justifier l'investissement d'un million de dollars requis pour l'école. Le juge Hallett, pour sa part, a trouvé la décision du ministre raisonnable et a laissé entendre que seule la présence de 150 élèves saurait justifier la mise sur pied d'une école française et sa gestion par les francophones. Les parents concernés porteront cette décision en appel (voir le chapitre 3 de la partie I). Entre-temps, les élèves en question suivent leurs cours en anglais. Autre mauvaise nouvelle : l'ouverture du centre scolaire et communautaire francophone de Halifax-Dartmouth, prévue pour 1989, risque d'être retardée. Le terrain choisi au départ était trop exigu. Le comité chargé du projet s'est donc mis à la recherche d'un terrain plus convenable, et un choix définitif a été arrêté vers la fin de l'année.

Les francophones de la Nouvelle-Écosse ont néanmoins pu tirer satisfaction de deux événements : trois députés de langue française ont été élus aux élections provinciales en septembre, et le ministre Guy LeBlanc a annoncé l'élaboration d'une politique visant à assurer l'ensemble des services gouvernementaux en français dans les régions acadiennes de la province. De plus, le premier procès en français dans la province s'est déroulé à Port Hawkesbury le 25 janvier 1988.

La Fédération acadienne de la Nouvelle-Écosse (FANE) a rendu publics cette année les résultats d'une importante étude-sondage effectuée auprès de la population francophone de la province. Selon l'étude, les francophones connaissent mieux la FANE que par le passé et souhaite que la Fédération joue un plus grand rôle dans la promotion de la langue et de la culture acadiennes, ainsi que dans certains domaines connexes. Les résultats indiquent également que les jeunes valorisent davantage la langue française et que la majorité des personnes interrogées s'identifie aux Acadiens.

Les parents francophones de la région de Summerside dans l'**Île-du-Prince-Édouard** ont remporté une importante victoire après une lutte acharnée pour l'obtention d'un système scolaire francophone plus complet. Lorsqu'elle a rendu sa décision en faveur des parents, la Cour suprême de l'Île-du-Prince-Édouard a fait le commentaire suivant : « En somme, de par l'article 23, la minorité linguistique a le droit d'être instruite dans sa langue. Le Parlement ayant été très clair lorsqu'il a établi ce droit, il serait inconcevable de ne pas inclure le droit de la minorité linguistique de participer à l'élaboration du programme et à l'application de ce droit » (voir le chapitre 3 de la partie I). La voie est maintenant ouverte à la minorité francophone de l'Île-du-Prince-Édouard, aux conseils scolaires et au gouvernement provincial pour qu'ils adoptent les réformes nécessaires à la création d'écoles françaises gérées par les citoyens francophones.

Nouvelles ententes linguistiques

Le 3 mai 1988, les gouvernements provincial et fédéral ont accepté de subventionner deux programmes spéciaux proposés par la Société Saint-Thomas d'Aquin (SSTA) et le Literacy Council of Prince Edward Island visant à promouvoir l'alphabétisation. Un aspect important de ces programmes est la campagne de sensibilisation à l'alphabétisation à l'intention de la collectivité francophone. De plus, le 27 juin 1988, le gouvernement fédéral et celui de l'Île-du-Prince-Édouard ont signé une entente-cadre dans le but de promouvoir l'utilisation des deux langues officielles sur l'Île. Le gouvernement fédéral s'est engagé à verser la somme de cinq millions de dollars répartie sur cinq ans au programme linguistique de la province. À la suite de la publication d'un rapport critiquant l'indifférence de la province à l'égard des besoins et des intérêts propres aux Acadiens, le ministre responsable des Affaires acadiennes, M. Léonce Bernard, a annoncé que le gouvernement avait l'intention d'accroître ses services à la population acadienne. De plus, la possibilité d'effectuer d'autres changements en matière de réforme du régime linguistique a été étudiée au cours d'un forum spécial concernant les Acadiens, qui s'est tenu en novembre dernier.

Il existe actuellement un centre provincial de services bilingues dans la région Évangéline du comté Prince, là où l'on trouve la plus forte concentration de francophones. Les plans actuels, élaborés par les deux niveaux de gouvernement, exigent que les services fédéraux soient offerts à partir de bureaux provinciaux actuels de la région. Le centre Évangéline sera doté d'un personnel bilingue permanent et offrira un service téléphonique à tous les ministères fédéraux de l'Île. Nous avons également été heureux d'apprendre qu'à la suite d'une rencontre avec la SSTA, la compagnie de téléphone de l'Île a accepté d'améliorer ses services en français. Enfin, les gouvernements du Canada et de l'Île-du-Prince-Édouard ont signé une lettre d'entente pour la création d'un centre scolaire et communautaire francophone à Charlottetown.

La FFTNL

Mis en chantier cet été, le Centre communautaire et scolaire de Grand'Terre (Mainland) à **Terre-Neuve** doit ouvrir ses portes au début de 1989. Il accueillera les élèves de la maternelle jusqu'à la sixième année. Le Centre comprendra également une bibliothèque, une salle de musique et un gymnase. Bien que la Fédération des francophones de Terre-Neuve et du Labrador (FFTNL) soit satisfaite des progrès réalisés, elle réclame néanmoins la construction d'une route directe entre Grand'Terre et Cap St-Georges, une autre communauté francophone de la région, car les élèves francophones de Grand'Terre auront à suivre leur cours secondaire dans cette localité. De plus, la FFTNL a ouvert un nouveau bureau à Stephenville en vue d'accroître le visage francophone dans cette région. Par ailleurs, l'Association francophone du Labrador réclamait de meilleurs services en français à l'hôpital Captain William Jackman Memorial à Labrador City. À la suite de ces pressions, l'hôpital a offert des cours de français à ses employés.

Si les francophones de la côte ouest de Terre-Neuve connaissent un certain succès, tel n'est pas le cas jusqu'à maintenant pour les parents francophones de

Saint-Jean, le Conseil scolaire local ayant refusé d'établir des classes en langue française. Le ministre de l'Éducation a mis sur pied un comité d'étude qui se penchera sur cette question. Les parents, pour leur part, font appel aux tribunaux. La province se propose de réviser sa loi scolaire bientôt et il faut espérer qu'il en découlera un plus grand respect des droits scolaires des francophones. Par ailleurs, la province a signé une entente avec le gouvernement fédéral concernant l'éducation en langue française et l'enseignement du français langue seconde. Selon les termes de l'entente, Ottawa contribuera 3,7 millions de dollars à ces deux programmes.

Nos lecteurs se rappelleront que nous avions fait état l'an dernier de l'affaire William Ringuette, un intimé qui s'était vu refuser un procès en français. Aucun procès en français n'a eu lieu jusqu'ici à Terre-Neuve, mais la province se dote tranquillement d'une capacité bilingue au criminel. Cette année, on a nommé un premier juge bilingue à la Cour provinciale, M. W. Michael Roche.

3. La radiotélévision : ouvrir les canaux

L'importance cruciale de la télédiffusion pour la promotion de l'identité canadienne n'est plus à démontrer. Le rapport du groupe de travail Caplan-Sauvageau pour une politique canadienne de la radiodiffusion, les mémoires des associations de groupes minoritaires, de même que les rapports du Comité législatif sur le projet de loi sur la télédiffusion (C-136), entre autres, l'ont amplement démontré. De l'avis de tous, il importe non seulement de doter le Canada d'une nouvelle loi en cette matière, mais aussi de consacrer les ressources nécessaires afin de permettre au système de télédiffusion canadien de refléter et de promouvoir nos valeurs nationales, et notamment notre dualité linguistique.

À peu près tous les individus et les groupes consultés durant la préparation du projet de loi sur la télédiffusion ont reconnu que la Société Radio-Canada était un outil culturel de première importance, remarquable tant par la diversité que par la qualité de sa programmation. Par contre, plusieurs ont déploré le fait que certains Canadiens n'avaient pas encore accès, dans leur langue officielle d'élection, à tous les services de la Société. Les villes de Yellowknife et de Whitehorse, par exemple, ne sont toujours pas desservies adéquatement en français ; le Témiscamingue ontarien revendique depuis plusieurs années déjà la possibilité de capter des émissions de Radio-Canada en provenance de Toronto plutôt que de Montréal ; enfin, certaines régions du pays sont toujours privées de la programmation MF stéréo de Radio-Canada.

Le projet de loi C-136

En juin dernier, l'ancienne ministre des Communications, M^me^ Flora MacDonald, déposait à la Chambre des communes le projet de loi tant attendu. Accompagné d'une politique détaillée intitulée « Des voix canadiennes pour un choix véritable », ce projet de loi (C-136) visait essentiellement à réaffirmer l'importance du rôle de télédiffuseur national de la Société Radio-Canada, à accroître le contenu canadien de la programmation et à définir plus clairement les responsabilités du Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC).

Malheureusement, le projet de loi C-136 est mort au feuilleton à la dissolution du Parlement en octobre dernier. Or, il s'agissait à notre avis d'un projet bien

conçu sur le plan linguistique et qui reste d'une importance primordiale pour la promotion des langues officielles au Canada. Le projet de loi proclamait d'emblée que les programmations en langue française et anglaise — qui constituent l'essence même de notre système de télédiffusion — diffèrent quant à leurs conditions d'exploitation et quant à leurs besoins. Il invitait par le fait même le CRTC à reconnaître ces principes. Il renfermait par ailleurs deux dispositions qui nous intéressent tout particulièrement et en vertu desquelles la Société était appelée à tenir compte « des principes et des objectifs de la *Loi sur les langues officielles* » et à s'assurer que sa programmation reflète « la situation et les besoins particuliers des deux collectivités de langue officielle, y compris ceux des minorités de l'une ou l'autre langue ». Nous souscrivons sans réserve à ces dispositions formulées avec une telle clarté ; selon nous, elles pourraient grandement contribuer à la santé linguistique de nos minorités. Pour toutes ces raisons, nous souhaitons vivement que le Parlement adopte une loi conforme à ce projet au cours de la nouvelle année.

Les minorités de langue officielle

Une question se pose cependant : quels crédits supplémentaires faudrait-il accorder à Radio-Canada pour qu'elle puisse satisfaire de façon plus complète aux besoins des minorités de langue officielle ? À la requête du CRTC, la Société a répondu à cette question dans le rapport Gilbert, intitulé *Étude des besoins de programmation en télévision dans les milieux francophones à l'extérieur du Québec*. Ce rapport établit un plan d'action et évalue à 80 millions de dollars, répartis sur cinq ans, la somme requise pour le mettre en œuvre. Souhaitons que Radio-Canada en fasse une priorité et que les ressources nécessaires lui soient allouées. D'autre part, il faudrait également régler le problème de la rareté des émissions locales offertes à la minorité anglophone du Québec dans les régions périphériques, notamment en Estrie et en Gaspésie. On ne peut surestimer l'importance des émissions de radio et de télévision de la Société pour l'épanouissement des communautés minoritaires d'un bout à l'autre du pays. Aussi recommandons-nous à Radio-Canada d'établir comme priorité l'amélioration de ses services de diffusion destinés aux communautés minoritaires de langue officielle, et en particulier le développement de sa programmation locale à leur intention.

La diffusion des débats de la Chambre des communes

La Société Radio-Canada est également responsable de la télédiffusion des débats de la Chambre des communes. La chaîne parlementaire comprend trois versions : l'une en langue française, l'autre en langue anglaise et la troisième en version intégrale, c'est-à-dire dans la langue utilisée par les députés. Les télédistributeurs choisissent habituellement de ne diffuser qu'une seule de ces trois versions. Ainsi, quelle que soit la version retenue, certains téléspectateurs doivent écouter les débats dans une langue qui n'est pas la leur. Cet état de fait suscite, depuis quelques années, de nombreuses plaintes. Un problème particulier s'est d'ailleurs posé au cours de la campagne électorale fédérale de 1988 : Élections Canada avait choisi de diffuser, par le biais de la chaîne parlementaire, des messages en versions française et anglaise distinctes portant sur le processus

électoral et le droit de vote. Le non-respect des préférences linguistiques des téléspectateurs à cette occasion a suscité de vives réactions dans plusieurs régions du pays. Les minorités de langue officielle ne devraient-elles pas avoir accès aux débats de la Chambre dans leur langue officielle d'élection ? À notre avis, les règlements touchant la télédiffusion devraient justement servir à résoudre ce genre de situation. Nous recommandons au CRTC d'examiner cette question dans le cadre de sa réglementation.

Radio-Canada : chaîne nationale d'information

En 1987, le CRTC avait lancé un appel de propositions en vue de l'établissement d'une chaîne nationale d'information et de nouvelles continue. Après examen des propositions reçues, il a retenu celle de Radio-Canada. Pour bien des Canadiens, cette chaîne constituera une solution de rechange au « Cable News Network » (CNN) des États-Unis. Bien que le projet initial comprenait uniquement une chaîne de langue anglaise, Radio-Canada l'a remanié à la demande du gouvernement et prévoit maintenant la création d'une chaîne de langue française qui fera appel à la participation du secteur privé. La chaîne de nouvelles de langue anglaise doit entrer en ondes au début de 1989, alors que son pendant de langue française est prévu pour 1990.

Le lancement de la chaîne TV5 constitue sans conteste l'une des réalisations les plus impressionnantes du deuxième Sommet de la francophonie tenu à Québec en 1987. Première chaîne de télévision francophone de portée internationale, TV5 a été mise sur pied par un consortium canado-européen comprenant la France, la Belgique, la Suisse et le Canada — avec, bien entendu, une importante participation du Québec. Malgré quelques ratages de départ, la chaîne TV5 sera désormais captée non seulement au Québec et dans la région de la Capitale nationale, mais également dans plusieurs autres régions du Canada où se trouvent des communautés francophones. À cet égard, le CRTC, le ministère des Communications et l'Association canadienne de télévision par câble méritent tous trois des félicitations pour les efforts qu'ils ont consentis en vue d'assurer la diffusion de TV5 à l'extérieur du Québec. Le Premier ministre s'étant engagé en ce sens, il est à espérer que leur réussite sera entière.

Autre bonne nouvelle, depuis juillet 1988, le réseau francophone TVA de Montréal est maintenant offert aux télédistributeurs de l'extérieur du Québec par le biais de la société de services par satellite CANCOM. Le tarif mensuel par abonné a été fixé à cinq cents. Espérons que ce tarif modique incitera plusieurs télédistributeurs à se prévaloir du service et à enrichir ainsi le choix télévisuel en langue française des régions mal desservies.

Toutes ces réalisations viennent à point nommé concrétiser l'un des principes énoncés dans le projet de loi sur la télédiffusion, et qui consiste à offrir progressivement «à tous les Canadiens, au fur et à mesure de la disponibilité des moyens», une gamme de services de télédiffusion en français et en anglais. Souhaitons que l'éventuelle loi sur la télédiffusion reprenne cet engagement qui

s'harmonise si bien avec l'un des objectifs fondamentaux de la *Loi sur les langues officielles* de 1988, soit l'épanouissement des minorités francophones et anglophones du Canada. Compte tenu de ces constatations, nous formulons les recommandations suivantes :

Nous recommandons :

- **au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) d'examiner, dans le cadre de sa réglementation, la question d'un meilleur accès des communautés minoritaires de langue officielle à la télédiffusion des débats de la Chambre des communes dans leur langue ;**

- **à la Société Radio-Canada de donner une priorité à l'amélioration de ses services de télédiffusion destinés aux communautés minoritaires de langue officielle, et en particulier au développement de sa programmation locale à leur intention, conformément au rapport qu'elle a soumis au Conseil de la radiodiffusion et des télécommunications canadiennes.**

PARTIE V

L'enseignement de la langue seconde : jeter des ponts

1. Plans et priorités : l'intendance suit-elle ?

Une vingtaine d'années après que la Commission royale d'enquête sur le bilinguisme et le biculturalisme eut recommandé l'enseignement universel et obligatoire de la langue seconde dans les écoles, la majorité des écoliers canadiens étudient le français ou l'anglais comme langue seconde. Si bon nombre de citoyens sont en faveur de ce régime, on s'interroge cependant sur la meilleure façon d'apprendre une langue et sur le nombre d'heures qu'un élève devrait idéalement consacrer chaque année à l'apprentissage de la langue seconde. Dans ce chapitre, nous analyserons quelques-uns des problèmes et des choix que doivent affronter les élèves, leurs parents, les enseignants et les administrateurs. Puis, dans le prochain chapitre, nous aborderons en détail l'enseignement de la langue seconde dans chacune des provinces et des territoires. L'enseignement dans la langue de la minorité a été traité à la partie IV.

Avec la reconnaissance, en 1969, de l'égalité de statut des deux langues officielles au sein des institutions fédérales, l'enseignement de la langue seconde acquit une importance particulière au Canada. Il devint évident, notamment pour les anglophones, que la connaissance de l'autre langue officielle serait dorénavant un atout. Dans toutes les régions, de nombreux parents espéraient qu'en maîtrisant la langue seconde, leurs enfants disposeraient d'un outil qui leur permettrait de participer pleinement à la croissance de leur pays. Puisque la langue, comme l'activité physique, requiert un encadrement et un entraînement de qualité, les parents ont démontré un vif intérêt envers la promotion de meilleures conditions d'apprentissage de la langue seconde pour leurs enfants. Comme l'indiquait la Commission royale d'enquête sur le bilinguisme et le biculturalisme : « Comme la langue est l'assise de la culture, nous nous sommes surtout intéressés (...) aux facilités d'accès pour chacune des deux communautés linguistiques, à un enseignement qui favorise l'épanouissement et la plus grande maîtrise possible de la langue maternelle et qui en même temps assure une communication satisfaisante entre les deux sociétés. »[1]

Rapport de la Commission royale d'enquête sur le bilinguisme et le biculturalisme, Tome II, 1968, p. 303.

Les principes découlant de cet énoncé figurent dans l'article 43 de la *Loi sur les langues officielles* de 1988 et dans son préambule, lesquels réaffirment le droit de la minorité de langue officielle à l'enseignement dans sa langue — droit déjà inscrit dans la *Charte canadienne des droits et libertés* — encouragent et appuient l'apprentissage du français et de l'anglais langues secondes.

L'accès à l'enseignement de la langue seconde

Les éducateurs canadiens s'emploient activement à promouvoir l'apprentissage de la langue seconde. Dans les zones bilingues du Canada, le français constitue déjà une matière obligatoire pour la plupart des élèves pendant l'ensemble ou la plus grande partie de leurs années d'études. Au Québec, le français est obligatoire de la première année jusqu'à la fin du secondaire, et l'anglais y est enseigné à partir de la quatrième année. Au Nouveau-Brunswick, les élèves doivent apprendre le français de la première à la neuvième année, ou l'anglais de la quatrième à la dixième. L'Ontario exige 600 heures de français à l'élémentaire ainsi qu'au moins un crédit au secondaire.

Les programmes sont moins substantiels dans les autres provinces, mais ils sont tout de même impressionnants. À l'Île-du-Prince-Édouard, par exemple, le français est offert de la quatrième à la neuvième année ; au Yukon, il constitue une matière obligatoire de la cinquième à la dixième ; au Manitoba, les écoles qui décident d'enseigner le français doivent le faire de la quatrième à la douzième.

L'an dernier, à Terre-Neuve, le comité consultatif sur les programmes de français recommandait l'instauration de cours de français obligatoires de la quatrième à la neuvième année, tandis qu'en Nouvelle-Écosse, où les écoliers de l'élémentaire doivent étudier le français de la quatrième à la sixième année, le comité consultatif sur l'enseignement dans les écoles publiques recommandait l'intégration d'un crédit obligatoire en français entre la dixième et la douzième année. En Colombie-Britannique, la Commission royale d'enquête sur l'éducation recommandait la création d'un programme commun de la première à la dixième année comprenant le français langue seconde. L'intégration du français au programme commun dès sa mise en place, reflet de la politique nationale de bilinguisme, aidera les élèves à maîtriser la langue seconde et à comprendre sa valeur.

Le ministère de l'Éducation de l'Ontario estime qu'un élève doit bénéficier d'un minimum de 1 200 heures d'expérience dans la langue seconde pour pouvoir en maîtriser les éléments de base. Il s'agit, d'après le rapport Gillin de 1974, de posséder une bonne connaissance des fondements de la langue ; de pouvoir se faire comprendre dans la conversation ; de pouvoir lire des textes courants à l'aide d'un dictionnaire ; de posséder une certaine connaissance de l'autre communauté de langue officielle ; de pouvoir reprendre par la suite, l'étude de la

langue seconde à un niveau plus avancé. Pour atteindre une telle maîtrise, un élève qui passe 12 ans à l'école primaire et secondaire doit consacrer en moyenne 100 heures par an à l'étude de la langue seconde. La plupart des provinces exigent ou recommandent un minimum de 90 heures par an à l'élémentaire et de 100 à 150 heures au secondaire, selon l'école. À l'échelle nationale, environ 60 p. 100 des anglophones étudient le français au cours d'une année scolaire. Mais certains n'étudieront le français que de façon sporadique et leur compétence se dégradera rapidement, aussitôt qu'ils cesseront de l'utiliser.

Si la proportion d'écoliers qui apprennent le français à l'élémentaire a connu une augmentation soutenue depuis 1970-1971, passant de moins de 30 p. 100 à près de 60 p. 100, les effectifs au secondaire ont baissé d'environ 10 p. 100 au cours de la même période. Ce phénomène s'explique sans doute, en partie, par le fait que la connaissance du français ne constitue généralement pas une condition pour l'obtention du diplôme d'études secondaires ou pour l'admission à l'université. Les adolescents, et notamment ceux qui possèdent déjà une certaine compétence dans la langue seconde, ont besoin d'être motivés pour continuer d'exercer leurs capacités linguistiques.

Une variété de programmes

Selon la région, le choix offert aux élèves peut comprendre jusqu'à cinq programmes de langue seconde dont : le programme-cadre de français ou d'anglais, le programme-cadre de français enrichi, l'immersion courte, moyenne ou longue et le programme d'anglais intensif.

- Les programmes-cadres de français ou d'anglais constituent la forme conventionnelle d'enseignement de la langue seconde ; ils offrent, selon le niveau de l'élève et la province, de 40 à 150 heures par an d'apprentissage en classe.

- Les programmes-cadres de français enrichis se trouvent à mi-chemin entre l'enseignement conventionnel et l'immersion. Les élèves inscrits dans un programme de français enrichi peuvent étudier une ou deux matières dans la langue seconde. Au cours de leur scolarité, ils devraient recevoir au total 2 100 heures, ou plus, d'enseignement du français.

- Au Québec, l'immersion en anglais n'existe pas, mais certains élèves francophones suivent des cours d'anglais intensifs d'une durée habituelle de cinq mois. Ces programmes, qui en sont encore au stade expérimental, laissent entrevoir d'excellents résultats.

- L'immersion en français qui, selon les classes, offre jusqu'à 1 000 heures consacrées au français, constitue le programme le plus intensif. La plupart des matières y sont enseignées en français. Les enfants commencent en maternelle ou en première année (immersion longue), en quatrième année

(immersion de durée moyenne) ou en sixième ou septième année (immersion courte). En général, il faut consacrer un minimum de 5 000 heures en immersion afin d'atteindre les objectifs fixés qui sont d'étudier, de travailler et d'évoluer dans un contexte francophone.

Programmes-cadres et immersion

L'immersion s'est révélée une forme populaire d'apprentissage linguistique et un moyen extrêmement efficace de former des élèves bilingues. Il s'agit cependant d'un programme nécessitant une formation spéciale de la part des enseignants et l'élaboration d'un matériel didactique particulier. On note une augmentation constante des effectifs en immersion : on compte actuellement 241 000 élèves, ce qui constitue une hausse de 9 p. 100 par rapport à 1987.

L'efficacité de l'immersion, et l'attention qu'elle a suscitée, ont amené certains à considérer les programmes-cadres de français comme des parents pauvres. Cependant, selon nous, un programme-cadre bien conçu peut offrir aux élèves une compétence de base en langue française, qu'ils auront le loisir d'enrichir au cours de leur vie. Il importe d'améliorer ces programmes, et nous attendons avec impatience les résultats de l'enquête nationale menée à ce sujet par l'Association canadienne des professeurs de langues secondes et financée par le Secrétariat d'État, qui seront publiés au cours de son congrès annuel en mai 1989. Les projets-pilotes organisés à travers le pays dans le cadre de cette étude ont déjà porté fruit dans le domaine de l'enseignement.

L'immersion en français et l'éducation de langue française

L'efficacité des programmes d'immersion a connu une autre conséquence malheureuse. Ils ont engendré la confusion, dans de nombreuses régions, entre les programmes d'immersion en français et les écoles de langue française. Dans certains cas, la croissance des programmes d'immersion est considérée comme un signe d'appui aux droits des francophones à l'enseignement ; dans d'autres cas, les parents anglophones considèrent l'école française comme un lieu privilégié d'immersion pour leurs enfants. Ces attitudes, quelle que soit leur sincérité, peuvent involontairement exacerber les tensions entre la majorité et la minorité de langue officielle.

Pour comprendre l'inquiétude des communautés minoritaires, il suffit de comparer les effectifs des deux programmes. L'Alberta offre, à elle seule, des programmes d'immersion en français à 26 000 enfants de langue anglaise, tandis que 1 900 francophones fréquentent les écoles de la minorité. À vrai dire, les programmes d'immersion comptent plus d'élèves — parfois dix fois plus — que les écoles françaises dans sept des provinces hors du Québec. Pour une meilleure compréhension de la diversité des besoins, plusieurs sections provinciales de l'association Canadian Parents for French ont collaboré avec des organismes francophones de leur province à la publication de brochures qui établissent clairement la distinction entre l'éducation en français, langue maternelle, et l'enseignement du français langue seconde.

Malgré de tels efforts, bon nombre de Canadiens ne font toujours pas cette distinction. Les auteurs d'une étude entreprise par le Conseil de l'éducation franco-ontarienne, *L'éducation de langue française en Ontario à l'heure de l'immersion*, craignent qu'en refusant de reconnaître les besoins différents des francophones et des anglophones au chapitre de l'enseignement en langue française, on diluera la clientèle des écoles de la minorité au point de détruire leur capacité de promouvoir la langue et la culture françaises. De plus, selon ces chercheurs, le financement des écoles en fonction du nombre d'élèves est problématique. Nous avons analysé, dans le rapport de l'an dernier, certaines difficultés qui se posent lorsque l'on tente d'accorder aux deux groupes un financement équitable.

Quelques initiatives récentes viennent également influer sur l'enseignement du français à travers le Canada. Ainsi, le programme PÉLAGIE (Pédagogie en langue française : guides et informations pour les éducateurs) lie les centres de ressources pédagogiques à une banque de données centrale, permettant aux enseignants de toutes les régions de se documenter sur l'enseignement du français et en français. Créé par le Conseil des ministres de l'Éducation en 1985, le programme, connu à l'origine sous le nom de Réseau d'information sur le matériel pédagogique en français, avait initialement obtenu des fonds pour une période de trois ans. PÉLAGIE offre aujourd'hui des références touchant 3 500 documents imprimés et 150 documents audio-visuels.

La qualité de l'enseignement de la langue seconde

La pénurie d'enseignants

Quel que soit le type de programme d'enseignement de la langue seconde, les élèves ne sauraient en bénéficier pleinement si l'on ne dispose pas d'un nombre suffisant d'enseignants qualifiés. On trouve, dans chaque province, au moins un centre pour la formation et le perfectionnement des enseignants, mais la plupart n'arrivent pas à former suffisamment de personnes pour répondre à la demande croissante, tant pour les programmes-cadres que pour les programmes d'immersion en français. Des problèmes peuvent néanmoins surgir lorsqu'une province comme la Saskatchewan « importe » des enseignants francophones : ceux-ci ont parfois de la difficulté à s'adapter aux communautés rurales de langue anglaise. Pour de nombreux parents et éducateurs, la pénurie d'enseignants représente le facteur le plus critique dans l'enseignement de la langue seconde.

Dans une étude menée pour le compte de la Fédération canadienne des enseignants, J. Clarence Leblanc a examiné la possibilité de recycler les enseignants anglophones aux fins des programmes d'immersion ou des programmes-cadres de français. Son rapport, publié en février 1988 sous le titre *Le recyclage en matière d'enseignement du français langue seconde*, propose la conclusion suivante : certains enseignants peuvent être recyclés, mais il ne s'agit que d'une mince proportion de l'ensemble. En général, une augmentation tant du nombre

de candidats à la formation d'enseignant que des places dans les facultés d'éducation est souhaitable. De plus, il convient de s'occuper davantage du perfectionnement professionnel des enseignants chevronnés. En effet, tous les ministères de l'Éducation considèrent aujourd'hui que l'enseignement « communicatif » de la langue — qui se fonde sur la compétence orale et la capacité de se faire comprendre plutôt que sur la grammaire et la mémorisation — constitue la méthode pédagogique la plus avancée en ce domaine. Or, tous les enseignants n'ont pas eu la possibilité de maîtriser cette méthode.

Les activités connexes

Un enseignement de langue seconde de qualité ne peut non plus se passer d'activités connexes — échanges, colonies de vacances, concours, jeux, sorties au théâtre et au cinéma dans la langue seconde — qui font prendre conscience aux élèves à quel point il est intéressant d'utiliser cette autre langue. Comme on pourrait s'y attendre, les élèves qui habitent les régions lointaines ou très homogènes au point de vue linguistique, sont moins privilégiés à cet égard que ceux des grands centres ou des régions où le bilinguisme est très répandu. Cependant, nombreux sont les organismes et les individus qui s'emploient à organiser ces activités : à Scarborough (Ontario), par exemple, un professeur de français a entrepris de coordonner les inscriptions et le transport d'enfants qui souhaitent se rendre dans une colonie de vacances au Québec.

Le Secrétariat d'État offre depuis longtemps plusieurs programmes visant à promouvoir l'enseignement et l'apprentissage du français et de l'anglais. La Société éducative de visites et d'échanges au Canada organise des échanges et certains ministères de l'Éducation ont fait preuve d'initiative dans la création d'activités hors-programme pour l'apprentissage de la langue seconde. Depuis dix ans, le ministère de l'Éducation du Québec organise un programme d'échanges qui touche 350 élèves venant de huit provinces : l'élève québécois passe trois mois chez un camarade d'une autre province et il fréquente son école, puis celui-ci lui retourne la visite au printemps. En Ontario, le ministère de l'Éducation mène, entre autres, un programme de jumelage qui offre aux élèves la possibilité de correspondre, dans leur langue seconde, avec un élève du Québec. Le ministère de l'Éducation des Territoires du Nord-Ouest invite des artistes francophones à faire la tournée des classes de français ; il achète également chaque mois une page dans le journal français *L'Aquilon*, qu'il consacre aux activités organisées.

La Canadian Parents for French (CPF) s'est révélée l'un des groupes les plus actifs et les plus novateurs en ce qui touche la mise en place d'événements hors-programme en langue française. Le Festival national d'art oratoire qu'elle parraine chaque année attire de plus en plus d'élèves. En 1989, l'événement aura lieu à Charlottetown, la capitale de l'Île-du-Prince-Édouard, pour célébrer le 125e anniversaire de la rencontre des pères de la Confédération. D'autre part, « RENDEZ-VOUS CANADA », une nouvelle activité provinciale qui consiste à réunir des francophones et des anglophones au cours d'une fin de semaine pour

montrer aux élèves que le français est bien vivant dans leur province, acquiert de plus en plus d'importance à travers le pays ; il y aura neuf conférences en 1989. La CPF organise également des colonies de vacances de langue française, des échanges et des événements culturels. De façon générale, elle voit à tenir les parents et les enseignants au courant des multiples possibilités qui existent à l'échelle du pays. La section albertaine a recours à la troupe de théâtre « La Boîte à popicos » pour produire des spectacles avec les écoliers ; au Yukon, on publie un calendrier illustré pour les enfants, en français, qui d'ailleurs connaît une grande vogue ; la section des Territoires du Nord-Ouest s'est associée aux francophones de la région pour réclamer l'accès à la radio et à la télévision françaises de Radio-Canada.

L'enseignement postsecondaire de langue française pour les anglophones

Cette année encore, la question des possibilités d'instruction postsecondaire en langue française a fait l'objet de discussions importantes à travers le pays. La difficulté principale consiste à accueillir les étudiants bilingues qui veulent maintenir ou améliorer leur français, sans porter atteinte au droit des étudiants francophones d'accéder à l'enseignement postsecondaire en français dans un milieu linguistique approprié.

Le professeur Arthur LeBlanc de l'Université du Manitoba, qui a d'ailleurs mené plusieurs études sur ce sujet, affirme que les universités devraient être en mesure d'améliorer les programmes des départements de français ou de langues modernes, d'offrir des programmes de français enrichis dans les départements et les facultés où l'enseignement est habituellement dispensé en anglais, et d'élargir les services de soutien en français. Ainsi, les centres, les salons, les clubs et les livres de bibliothèque en français sont des outils qui peuvent aider les étudiants des collèges et des universités à maintenir et à améliorer leurs capacités linguistiques jusqu'à ce qu'ils puissent les employer dans le monde du travail.

La section ontarienne de la Canadian Parents for French tenait au mois d'avril sa quatrième conférence à ce sujet. Pour la première fois, les collèges communautaires et les conseillers en orientation participaient aux discussions. En effet, ces derniers constituent un intermédiaire essentiel entre les écoles secondaires, les collèges et les universités, lorsque vient le temps d'orienter les élèves vers les cours appropriés. En plus des programmes de français offerts aux élèves bilingues, on y a parlé du nombre d'enseignants disponibles, car ce sont les établissements postsecondaires qui formeront les enseignants de l'avenir, et seules la coopération et la planification nationale permettront d'éviter les pénuries sur ce plan. Les délégués ont recommandé la formation d'une coalition des groupes intéressés (fédérations d'enseignants, conseils scolaires, etc.) pour poursuivre les efforts entrepris.

Au niveau postsecondaire, les programmes de français correspondent à des objectifs très variés : certains étudiants désirent devenir professeurs de cours d'immersion, d'autres veulent simplement maintenir leur compétence en utilisant le français une ou deux fois par semaine. Alors que les diplômés des programmes d'immersion sont plus nombreux à se présenter dans les établissements postsecondaires, le temps est venu d'entreprendre une planification nationale et provinciale pour assurer un accueil approprié à ces élèves.

Le nombre de bilingues au Canada

Après tant d'efforts consacrés à l'enseignement de la langue seconde, on ne s'étonnera pas d'apprendre que le nombre de bilingues augmente au Canada. D'après les données du recensement de 1986, plus de quatre millions de Canadiens se disent capables d'avoir une conversation dans les deux langues officielles. Les « bilingues » représentent 16,2 p. 100 de la population, comparativement à 15,3 p. 100 en 1981 et 13,4 p. 100 en 1971 (augmentation de plus d'un million de personnes en 15 ans). La proportion de bilingues est encore plus élevée chez les jeunes de 15 à 24 ans : 20,5 p. 100 des personnes de cette catégorie se disent bilingues.

D'après un rapport publié en novembre 1988 par Gilles Grenier et Réjean Lachapelle, *Les aspects linguistiques de l'évolution démographique au Canada*, le bilinguisme demeure plus répandu chez les francophones. Au Québec, en 1986, environ 30 p. 100 des francophones — c'est-à-dire plus de 1,5 million de personnes — se disaient capables de parler l'anglais, tandis qu'environ 6 p. 100 des anglophones à l'extérieur du Québec (919 000 personnes) affirmaient pouvoir parler le français. Plus de 80 p. 100 des francophones hors du Québec (785 000 personnes sur 931 000), et plus de la moitié des Anglo-Québécois (397 000 personnes sur 666 000), se déclaraient également bilingues.

Les progrès varient considérablement d'une région à l'autre. Les francophones et les anglophones deviennent bilingues au même rythme : l'augmentation est d'environ 10 points depuis 1971 dans les régions de l'Ontario où la présence francophone est importante, comme à Ottawa, où les deux groupes sont bien représentés et ont des échanges quotidiens ; en 1986, 85,2 p. 100 des francophones et 22,8 p. 100 des anglophones s'y disaient bilingues. Dans les régions de contact du Nouveau-Brunswick, la proportion de francophones et d'anglophones bilingues a connu une augmentation de presque 11 p. 100 au cours de la même période, atteignant 61,7 p. 100 et 21,7 p. 100 respectivement.

Cependant, la proportion d'anglophones bilingues dépasse celle des francophones dans les régions de contact du Québec, où près de 60 p. 100 des anglophones se déclaraient bilingues en 1986 (augmentation de 23,1 p. 100 depuis 1971), tandis que chez les francophones, cette proportion n'était que de

40 p. 100 (augmentation de 6,2 p. 100 seulement depuis 1971). Ailleurs au Québec, où les francophones constituent la grande majorité de la population, environ trois quarts des anglophones, et seulement 17 p. 100 des francophones, affirmaient être bilingues en 1986.

La langue seconde : maintien de l'acquis

Lorsqu'il s'agit de maîtriser une langue seconde, la plupart des gens qui s'y consacrent sont capables de trouver l'élan nécessaire pour réussir un examen ou satisfaire à une exigence linguistique ; mais les efforts à déployer pour maintenir à long terme leur compétence linguistique exigent beaucoup plus de rigueur. Quel type de formation, et surtout quels programmes de maintien de l'acquis permettront aux étudiants de conserver leur connaissance de la langue seconde tout au long de leur vie ? C'est une question qui vaut la peine d'être examinée.

L'Institut d'études pédagogiques de l'Ontario (IEPO) a mené pour notre compte, cette année, une étude sur le maintien de l'acquis en langue seconde. L'étude comprend une bibliographie annotée de travaux canadiens, européens et américains, de même qu'un résumé de la problématique. D'après les recherches effectuées, il s'agit d'un sujet complexe dont l'étude suscite davantage de questions que de réponses. Les recherches sur la perte de la compétence linguistique souffrent du fait que l'acquisition de la langue est un phénomène encore mal compris ; on a pu toutefois formuler un principe général selon lequel plus le niveau de compétence atteint en période de formation est élevé, mieux l'étudiant parviendra à conserver cette compétence. Les recherches indiquent en effet que les étudiants très compétents réussissent à maintenir leur compétence pendant de longues périodes, même en ayant rarement l'occasion de l'exercer, tandis que ceux dont la compétence linguistique est moins grande ont tendance à la perdre s'ils ne sont pas continuellement exposés à la langue seconde. De plus, le rythme de dégradation dépend du type de capacité : les capacités passives (lire et écouter) résistent mieux que les capacités actives (écrire et parler).

Il n'existe à ce jour aucune documentation sur la meilleure façon de maintenir ou de retrouver sa compétence linguistique. Certains chercheurs ont émis l'hypothèse que le retour à un matériel déjà connu pourrait permettre une réacquisition plus rapide et plus complète. Le maintien pourra également être favorisé par l'élargissement du discours proposé en classe et la mise à contribution d'un environnement propice à la langue seconde, au sein duquel les compétences linguistiques sont constamment renforcées. Enfin, il conviendrait également d'accorder plus d'attention à des outils simples et efficaces comme les livres, les revues, le cinéma, la radio et la télévision.

Les recherches canadiennes

D'autres travaux récents dans ce domaine ont traité principalement du français langue seconde car, dans le contexte de l'Amérique du Nord, la plupart des francophones et des anglophones ont largement l'occasion de pratiquer leur anglais.

Les études menées par l'Institut des langues secondes de l'Université d'Ottawa et le Centre des langues modernes de l'IEPO utilisent des instruments de mesure pour évaluer les capacités d'écouter, de lire, de parler et d'écrire le français, d'un groupe de diplômés de programmes d'immersion du secondaire, en Alberta et en Ontario. L'IEPO se propose de prendre ces données comme point de départ d'une étude de l'expérience des étudiants après la première année de formation postsecondaire et à leur entrée dans un milieu de travail. L'information servira à évaluer une grande variété de résultats des programmes d'immersion en français, dont le maintien de la compétence linguistique.

Le marché du travail bilingue

La nécessité d'utiliser la langue seconde au travail assure généralement le maintien, voire le perfectionnement de la compétence linguistique. En 1985, nous avons tenté de mesurer le marché du travail bilingue du secteur privé. Un examen sommaire indiquait que pour 30 p. 100 des emplois proposés au Centre d'emploi du Canada à Ottawa, le bilinguisme constituait un atout ou une exigence. Au cours d'une période de deux semaines, plus de 2 000 offres d'emploi dans six grands quotidiens de Toronto, d'Ottawa et de Montréal faisaient état d'exigences linguistiques. Une étude préliminaire des magasins, des banques et des hôtels de la région d'Ottawa-Hull a montré que si la plupart des employeurs n'exigeaient pas le bilinguisme, ils le considéraient toutefois comme « un atout important ».

Cette année, dans le cadre d'un projet visant à mettre au point des épreuves de compétence communicative en français, l'IEPO a mené une enquête préliminaire sur les annonces de postes bilingues. Les offres d'emploi parues dans deux éditions du samedi de quatre quotidiens de Toronto et d'Ottawa ont été examinées, et on a trouvé 594 annonces, sur un total de plus de 11 000 — soit 5,4 p. 100 — qui répondaient aux critères établis en ce qu'elles mentionnaient explicitement des compétences en langue seconde. Plus des deux tiers des 594 postes exigeaient cette compétence ; les autres annonces parlaient d'« atout » ou de « préférence ». Dans la vaste majorité (91,6 p. 100) des cas, la langue seconde en question était le français.

Les postes étaient à peu près également répartis entre les secteurs privé et public. Mais les postes de professionnels et de gestionnaires se trouvaient principalement dans le secteur public, tandis que les emplois techniques ou non qualifiés étaient concentrés dans le secteur privé. L'étude avait notamment pour but de déterminer dans quelle mesure les emplois des secteurs privé et public coïncidaient avec les aspirations actuelles des étudiants des programmes d'immersion en français. En se fondant sur les annonces publiées dans les journaux, les chercheurs estimaient pouvoir cerner la situation qu'affrontent bon nombre de ceux qui entrent dans le marché du travail. L'écart entre les emplois offerts par les secteurs privé et public soulève un certain nombre de questions sur les liens

entre la formation linguistique et le travail. Les postes de professionnels et de gestionnaires, auxquels aspirent en général les élèves des programmes d'immersion, comptent pour le tiers des postes bilingues examinés dont la moitié sont des postes d'enseignant au primaire et au secondaire. Les chercheurs en ont conclu que les diplômés des programmes d'immersion auront peut-être à choisir entre l'utilisation de leurs capacités linguistiques et un poste de rang élevé, les deux se révélant inconciliables dans plusieurs cas.

L'étude poursuit son cours grâce au financement conjoint de l'IEPO et du Commissariat. On a l'intention d'analyser l'emploi réel du français dans les postes bilingues du secteur privé et de contribuer à l'élaboration d'instruments efficaces pour l'évaluation des candidats aux postes bilingues.

Chose certaine, les ministères de l'Éducation, les enseignants, les parents et les élèves sont plus que jamais convaincus de la valeur de l'apprentissage de la langue seconde au Canada. À mesure que les effectifs augmentent, on doit impérativement continuer la planification, l'amélioration et la protection d'un enseignement de qualité du français et de l'anglais offert à la majorité des écoliers. Il importe particulièrement de planifier des mesures qui permettront de répondre au besoin grandissant de professeurs de français compétents. En effet, que les diplômés obtiennent ou non, à la fin de leurs études, un emploi exigeant la langue seconde, nous sommes convaincus que leurs capacités linguistiques ne seront pas perdues.

Nous recommandons au Secrétariat d'État :

- **de réunir et de diffuser, en coopération avec le Conseil des ministres de l'Éducation du Canada, les renseignements sur les options en matière de programmes de langue seconde et d'éducation en langue minoritaire ; et d'assurer la coordination de recherches sur le maintien de l'acquis en langue seconde ;**

- **de concours avec les ministères fédéraux et provinciaux des ressources humaines, d'entreprendre l'étude des possibilités d'emplois bilingues dans le contexte d'une reconnaissance croissante de la dualité linguistique du Canada ;**

- **d'élargir son appui aux programmes d'échanges et aux autres activités visant à améliorer la compétence en langue seconde ;**

Nous recommandons aux autorités compétentes :

- **de continuer de subventionner PÉLAGIE (Pédagogie en langue française : guides et informations pour les éducateurs), afin d'assurer la disponibilité, à l'échelle du pays, de la documentation sur l'enseignement du français et en langue française ;**

- **d'entreprendre à l'échelle nationale une planification permettant d'éliminer la pénurie actuelle et prévue d'enseignants du français langue seconde.**

2. Survol régional : une vague de fond

La situation en matière d'enseignement de la langue seconde varie d'une province à l'autre. Voici donc un survol des changements et des événements marquants de l'année.

Terre-Neuve

À la suite des recommandations formulées l'an dernier par le Comité consultatif des programmes de français, diverses initiatives intéressantes ont vu le jour. Ainsi, le ministère de l'Éducation s'est employé à mettre au point un programme d'études pour l'enseignement immersif à la maternelle et au primaire. On travaille également à offrir les mêmes cours dans les programmes d'immersion et dans les programmes réguliers. C'est ainsi qu'un cours de sciences sociales destiné aux élèves de troisième est en voie d'élaboration dans les deux langues et qu'un récent appel d'offres aux éditeurs pour du matériel didactique dans cette même discipline, à l'intention des élèves de sixième, exige qu'ils soient produits en français et en anglais. Le ministère de l'Éducation a créé un comité chargé de formuler des recommandations pour l'élaboration d'un programme-cadre de français enrichi, bien que cette question n'ait été traitée que sommairement dans le rapport du Comité consultatif.

La popularité des programmes de français ne cesse de grandir comme en témoignent les inscriptions aux cours d'immersion, lesquelles ont augmenté de quelque 25 p. 100 durant l'année. Face à la pénurie d'enseignants, le ministère de l'Éducation et plusieurs districts scolaires ont créé des programmes de bourses et de formation destinés à améliorer les compétences en français des enseignants.

Parallèlement, on est à modifier la méthode d'évaluation des étudiants. Ainsi, on prépare les professeurs pour qu'ils soient en mesure de faire passer des tests oraux car, à compter de juin 1990, une partie des examens du secteur public de français au secondaire portera sur l'expression orale.

Île-du-Prince-Édouard

En 1987, l'Île-du-Prince-Édouard a pris d'importantes mesures pour améliorer la qualité de ses programmes de français, notamment en se dotant d'un plan

d'action et en créant la Division des services éducatifs en français. L'étude sur les programmes d'enseignement au primaire, qui est effectuée présentement à l'échelle de la province, a pour but de fixer des objectifs précis dans diverses disciplines, incluant celles des programmes d'immersion.

L'Île-du-Prince-Édouard arrive au deuxième rang des provinces qui comptent le plus d'élèves en immersion (13 p. 100). Un programme long est offert depuis peu dans l'unité 1 et une étude de faisabilité touchant l'immersion courte a été entreprise. Le ministère de l'Éducation a l'intention d'offrir de nouveaux cours immersifs de la première à la quatrième année dès septembre 1989. Des programmes expérimentaux en sciences, en histoire, en droit et en sciences sociales ont été mis en œuvre dans des écoles secondaires dispensant un enseignement immersif.

Le nouveau programme-cadre de français sera offert de la quatrième à la douzième année d'ici deux ans. Par ailleurs, on publiera sous peu un guide à l'intention des enseignants des septième, huitième et neuvième années.

Nouvelle-Écosse

En août, le ministère de l'Éducation de la Nouvelle-Écosse a créé le poste de coordonnateur de l'enseignement immersif, car la direction des divers programmes d'études de langue seconde était devenue, selon le nouveau coordonnateur, une tâche trop considérable pour une seule personne. Les directives provinciales touchant les programmes d'immersion longs et courts, et le programme-cadre enrichi seront mises en œuvre pour la première fois vers la fin de 1989. En ce qui a trait au programme-cadre, un nouveau guide pédagogique à l'intention des professeurs de l'élémentaire sera publié sous peu et un autre intéressant le premier cycle du secondaire paraîtra au printemps.

Le programme-cadre enrichi est maintenant offert par trois conseils scolaires et comporte des cours d'histoire et de géographie en français, en plus de l'enseignement de cette langue en tant que matière dans les classes de septième.

La pénurie d'enseignants qualifiés a incité le ministère de l'Éducation et l'Université Sainte-Anne à créer un programme destiné à améliorer la formation initiale des professeurs de langue seconde.

La Canadian Parents for French (CPF), de concert avec la Fédération acadienne de la Nouvelle-Écosse (FANE) et la Fédération des parents acadiens de la Nouvelle-Écosse (FPANE), prépare actuellement une brochure destinée à mettre en relief les différences entre l'enseignement du français langue seconde et l'enseignement en français aux minorités francophones.

Nouveau-Brunswick

Comme il se doit, des quatre provinces de l'est, c'est le Nouveau-Brunswick qui consent le plus d'efforts à l'enseignement de la langue seconde. La province

s'est dotée de deux administrations scolaires distinctes, l'une française et l'autre anglaise. Les deux ont adopté un programme d'enseignement de la langue seconde obligatoire au primaire et au secondaire. En 1987-1988, 92 000 élèves étaient inscrits dans des écoles anglaises, dont 15 500 dans des programmes d'immersion en français, et 46 000 dans des écoles françaises.

En 1988, la ministre de l'Éducation a créé une commission d'enquête sur l'enseignement du français langue seconde chargée d'examiner les programmes-cadres et immersifs et de formuler des recommandations en matière de dotation, d'évaluation, de financement, de politique et de programmes. La commission devrait remettre son rapport à la ministre au début de 1989.

Les possibilités ainsi que les limites de l'enseignement immersif font toujours l'objet de débats. La popularité de ces programmes soulève la question de l'accroissement des besoins en ressources humaines et financières. Deux districts scolaires ont décidé de supprimer, à titre expérimental, l'immersion longue et d'introduire l'immersion moyenne à partir de la quatrième année en 1989. Entretemps, un comité spécial a soumis les conclusions de son étude de deux ans sur l'enseignement du français dans le district 19. Le Conseil scolaire a approuvé ses recommandations, dont celles voulant que le ministère de l'Éducation ramène à un seul, pour tous les étudiants, les divers programmes de français, et qu'il améliore le programme-cadre pour que la qualité de ce dernier se rapproche davantage de celle des programmes de français enrichi et d'immersion.

Le groupe de travail créé dans la section francophone du Ministère a présenté ses recommandations à la ministre, au sujet de l'enseignement de l'anglais langue seconde. La section a d'autre part poursuivi ses expériences d'enseignement audio-visuel de l'anglais au primaire et au secondaire, projet qui, comme nous le signalions l'an dernier, avait été mis sur pied de concert avec l'Université Laval à l'intention des francophones unilingues. Cette méthode autodidactique et individualisée — qui recourt à l'audio, la vidéo et l'informatique — permet aux étudiants de choisir le matériel et les activités pédagogiques leur convenant le mieux. Elle privilégie un apprentissage global, l'étudiant consacrant une période relativement longue au développement de la compréhension de l'oral et de l'écrit avant de développer les compétences actives. L'un des très grands intérêts de cette méthode est son coût relativement bas, ce qui constitue un avantage important pour les petites écoles et les établissements éloignés qui souhaitent dispenser un enseignement de langue seconde de qualité. Lancé il y a quatre ans, le programme destiné aux élèves du primaire a fait l'objet d'une recherche approfondie par des spécialistes de l'Université Concordia de Montréal. Les résultats de cette étude devraient être rendus publics en 1989.

Moncton célèbre cette année le 25e anniversaire de la fondation de son université francophone. À cette occasion, un comité de citoyens a entrepris d'étudier les possibilités de créer un établissement d'enseignement postsecondaire de langue

anglaise dans cette ville. À l'Université du Nouveau-Brunswick, le Centre de formation des professeurs de français langue seconde a entrepris sa deuxième année. Seul centre du genre dans l'est du pays, il œuvre dans les domaines de l'évaluation, de la mise au point de programmes et de la formation professionnelle. En 1988, le Centre a mis sur pied toute une gamme de sessions de formation, allant d'un cours d'été de quatre semaines pour 50 enseignants à une série d'ateliers d'une journée portant sur des dossiers particuliers.

Québec

L'enseignement du français et de l'anglais langues secondes est obligatoire dans les deux systèmes scolaires du Québec. En 1987-1988, un peu plus d'un million d'élèves étaient inscrits dans les établissements d'enseignement de la province, dont près de 90 p. 100 dans des écoles françaises. Les inquiétudes que soulève la qualité du français parlé et écrit ont incité le ministère de l'Éducation à agir. Après avoir consulté un grand nombre de représentants de parents, d'étudiants, d'administrateurs scolaires et d'enseignants, le Ministère a rendu public un plan d'action visant à assurer que les étudiants pourront mieux apprendre leur langue maternelle à l'école.

L'anglais langue seconde

Afin d'éviter que l'apprentissage de la langue seconde ne se fasse au détriment de la langue maternelle, l'anglais est enseigné à partir de la quatrième année seulement dans le système scolaire francophone. Cette politique a ses partisans et ses opposants : les premiers estiment que cela donne aux élèves le temps de maîtriser leur langue maternelle avant de songer à acquérir une langue seconde, tandis que les seconds sont d'avis que cela nuit aux chances des jeunes de devenir bilingues. À la demande des parents, un certain nombre de commissions scolaires ont entrepris d'introduire l'apprentissage de l'anglais dès la maternelle et la première année, ce qui va à l'encontre du régime pédagogique. À ce sujet, on attend toujours la décision de la Cour suprême du Canada sur le droit du Québec d'imposer de telles restrictions aux commissions scolaires.

Le rendement des enfants dans ce domaine préoccupe vivement certains parents et éducateurs. En juin, les commissions scolaires ont obtenu les résultats d'un examen passé en 1987 par 288 élèves de sixième année, dont 14 p. 100 seulement ont satisfait aux normes du programme d'enseignement de l'anglais langue seconde touchant notamment l'aptitude à communiquer dans des situations correspondant aux préoccupations et aux besoins de leur groupe d'âge. Fixée à 80 p. 100, la note de passage était manifestement élevée. Cependant, 55 p. 100 n'ont même pas obtenu 60 p. 100, la note de passage habituelle. Le rapport fait état de deux causes principales. Premièrement, les trois quarts des commissions scolaires n'allouent pas à l'enseignement de l'anglais les 120 minutes par semaine recommandées par le Ministère. Deuxièmement, 10 p. 100 des professeurs d'anglais langue seconde à l'élémentaire ne maîtrisent pas bien cette langue. Le problème est particulièrement aigu au sein de la Commission des écoles catholiques de Montréal (CECM), qui est la plus importante commission

scolaire de la province. Afin de remédier à la situation, la CECM a décidé d'embaucher des spécialistes : on en compte aujourd'hui 70, alors qu'il n'y en avait aucun en 1982, par exemple.

Vingt et une commissions scolaires du Québec offrent des cours intensifs ou enrichis d'anglais langue seconde, certaines depuis la fin des années 70. Ces programmes expérimentaux d'anglais diffèrent de l'immersion en français puisque au Québec, seul le français peut être utilisé comme langue d'enseignement dans les écoles françaises. Ainsi, les élèves de cinquième et de sixième années se consacrent presque exclusivement à l'apprentissage de l'anglais pendant une période de cinq mois. En avril, la Société pour la promotion de l'enseignement de l'anglais langue seconde au Québec a terminé une vaste étude sur les mesures adoptées par les commissions scolaires en vue d'étendre et d'améliorer l'enseignement de l'anglais langue seconde au primaire. Dans une étude distincte intitulée « Intensive ESL Programs in Quebec Primary Schools », des chercheurs affirment que les étudiants des programmes intensifs ont non seulement un rendement très supérieur à celui des élèves de même niveau dans les programmes traditionnels, mais ont aussi tendance à surclasser ceux d'un niveau supérieur ayant reçu le même nombre d'heures d'enseignement. Les auteurs de l'étude estiment qu'il y aurait lieu d'approfondir les recherches pour voir si les élèves des cours intensifs garderont par la suite une compétence suffisante en anglais leur permettant d'effectuer des études supérieures dans la langue seconde, et si la période de cinq mois consacrée à l'apprentissage de l'anglais est préjudiciable à la maîtrise d'autres matières, comme les mathématiques.

Le français langue seconde

La proportion des élèves québécois inscrits au programme immersif de français est la plus élevée au pays, soit quelque 18 p. 100. Si la demande à cet égard reste forte, les commissions scolaires n'ont pas toujours les moyens d'y satisfaire. Le problème tient en partie au fait que les programmes autres que les programmes-cadres (l'enseignement immersif et enrichi) sont essentiellement à la charge des commissions scolaires. Si les plus importantes d'entre elles doivent faire face à moins de problèmes, il en est autrement pour celles qui sont déjà aux prises avec des difficultés financières dues à la baisse du nombre d'élèves.

Quant au programme-cadre de français, certains parents et éducateurs estiment que le Ministère ne tient pas compte des exigences spéciales de l'apprentissage de la langue seconde, notamment en ce qui a trait au coefficient élèves-enseignant. En effet, le régime pédagogique applique à ce programme les mêmes critères quant au nombre d'élèves par classe qu'à l'enseignement de la géographie et des mathématiques, par exemple. Les commissions scolaires qui réduisent leur coefficient élèves-enseignant doivent acquitter elles-mêmes la note.

Pour répondre aux besoins des professeurs de langue seconde, le Ministère a créé à leur intention un centre de ressources pédagogiques à Montréal. Ce centre offre des sessions de formation d'une journée aux enseignants de français langue

seconde et publie, au bénéfice des enseignants de l'extérieur de Montréal, divers documents d'information.

Cette année, le ministère de l'Éducation entend travailler activement à l'amélioration de l'enseignement du français et de l'anglais langues secondes. Dès 1989-1990, il mettra en branle un processus de consultation et d'analyse (semblable à celui qui fut utilisé pour le français langue maternelle) qui devrait permettre l'établissement d'un plan d'action destiné à corriger des déficiences spécifiques. Ainsi, il examinera les questions litigieuses dont celle de l'âge idéal pour débuter un programme-cadre d'anglais.

Ontario

C'est la deuxième année que l'Ontario applique la directive 58 du ministère de l'Éducation — dont nous avons parlé l'an dernier. En vertu de cette directive, tous les étudiants qui sont entrés en quatrième en septembre 1987 doivent suivre régulièrement des cours de français jusqu'en huitième et avoir accumulé au moins 600 heures dans cette matière à la fin du primaire. Au-delà de ce programme obligatoire, les inscriptions dans les programmes immersifs et enrichis ne cessent d'augmenter.

La pénurie d'enseignants

La grave pénurie de professeurs de français langue seconde qui se fait sentir ailleurs au pays n'a pas épargné l'Ontario. La croissance du taux d'inscriptions en immersion et aux programmes-cadres de français au primaire est telle que nombre de conseils scolaires se demandent s'ils trouveront suffisamment de professeurs qualifiés. C'est ainsi que certains conseils scolaires ont commencé à recruter des enseignants dès Noël dernier en vue de la rentrée en septembre 1989. Certains observateurs sont d'avis que malgré le fait qu'une planification à long terme s'impose, l'implantation de mesures d'urgence devrait être envisagée afin de répondre aux besoins immédiats. D'aucuns craignent qu'on soit forcé de se rabattre sur des enseignants qui n'ont pas la compétence nécessaire, ce qui ne manquerait pas de réduire la qualité de l'enseignement. Les participants aux programmes de formation en enseignement et les places disponibles dans les facultés des sciences de l'éducation sont nettement insuffisants. L'Association canadienne des professeurs d'immersion et l'Ontario Modern Language Teaching Association (OMLTA) ont toutes deux lancé des campagnes promotionnelles.

À l'incitation du ministère de l'Éducation de l'Ontario, l'OMLTA a commandé en 1988 un sondage sur les conseils scolaires et les facultés des sciences de l'éducation qui visait à chiffrer la pénurie de candidats qualifiés, compte tenu des postes à pourvoir. Si l'on se fie aux réponses fournies par 106 des 132 conseils scolaires, il y avait un manque à combler de 1 117 postes dans les programmes-cadres et immersifs pour septembre 1988, et les besoins seront manifestement plus grands en 1989. Or, les facultés des sciences de l'éducation ne prévoient former que 957 professeurs au cours de cette année universitaire.

Sensibles aux reproches qui leur ont été adressés de ne s'être pas intéressées à la demande et aux besoins du milieu, les facultés des sciences de l'éducation s'emploient désormais à mieux tenir compte des exigences du marché du travail. Cela dit, il importe que le ministère de l'Éducation et celui des Collèges et Universités collaborent de plus en plus étroitement.

Évaluation des besoins en matière d'immersion

Le ministère de l'Éducation s'apprête à rendre public un rapport sur les besoins en matière d'immersion. Cet examen de la politique du Ministère, qui s'appuie sur des données recueillies au cours de l'année scolaire 1986-1987, a deux objectifs : établir les lignes de conduite en matière de programmes d'études pour l'enseignement immersif et déterminer l'orientation en ce qui a trait à la formation des enseignants. En outre, le Ministère se propose de créer un comité consultatif de l'enseignement immersif en français qui devra se pencher sur les programmes en arts et lettres françaises (M-13) et formuler des recommandations pour en assurer l'amélioration.

Près de 6 p. 100 des élèves ontariens participent à des programmes d'immersion. Dans deux régions bilingues de l'Ontario, les inscriptions à ces programmes sont particulièrement élevées. Ainsi, dans le district scolaire d'Ottawa-Carleton, quelque 55 p. 100 des élèves qui sont entrés à la maternelle en septembre 1988 se sont inscrits en immersion et, à Sudbury, près d'un tiers des élèves des écoles primaires publiques suivent des cours immersifs. Dans les écoles du Conseil scolaire de Toronto où tous les enfants ont accès à ce programme et, le cas échéant, au transport, l'inscription aux cours d'immersion longs se stabilise. Cette situation tient peut-être au fait que le Conseil propose cinq possibilités d'enseignement du français langue seconde, dont l'accès aux programmes immersifs à différents niveaux.

Mais l'immersion suscite des interrogations dans certains milieux. C'est ainsi que le Conseil de l'éducation franco-ontarienne a commandé une étude pour déterminer les répercussions des programmes immersifs sur les écoles de langue française. Si le rapport conclut que la popularité des programmes immersifs n'incite pas les parents francophones à y inscrire leurs enfants et à délaisser ainsi l'école de langue française, la majorité des anglophones interrogés souhaitent que les jeunes anglophones bilingues puissent fréquenter des écoles francophones. Les auteurs du rapport ont cependant dit craindre que les administrateurs scolaires du secteur minoritaire ne soient « tentés d'assouplir les critères d'admission en ce qui a trait à la langue maternelle », étant donné que le financement des deux programmes se fondait sur le nombre des inscriptions. Pareille pratique, ont-ils tenu à souligner, pourrait éventuellement aboutir à l'anglicisation des écoles françaises. Au moment de l'étude, on trouvait autant d'élèves dans les écoles françaises que dans les programmes immersifs, soit quelque 90 000 respectivement. Si la recherche montre que l'anglais devient la langue de communication lorsque les étudiants francophones et anglophones se retrouvent ensemble, cette étude révèle que les craintes des chercheurs ne sont pas partagées par tous les francophones.

Manitoba

Les centres immersifs et les écoles à double régime pédagogique

Près de 9 p. 100 de la clientèle scolaire du Manitoba étant inscrite aux programmes immersifs, les questions liées à l'accès ont cédé le pas à des préoccupations d'un autre ordre au sujet de l'immersion. C'est ainsi qu'un vif débat s'est amorcé sur les mérites respectifs des centres immersifs — où tout se passe en français — et des écoles à double régime pédagogique — lesquelles dispensent parallèlement les programmes anglais réguliers et l'enseignement immersif. Bien que la Canadian Parents for French soit d'avis que, du point de vue pédagogique, la formule du centre immersif est supérieure, nombre de parents favorisent l'école à double régime au primaire parce qu'ils préfèrent que leurs enfants fréquentent l'école locale. Si le ramassage scolaire des élèves plus âgés ne soulève pas autant d'opposition, cela n'en est pas moins devenu un sujet de préoccupation, même au secondaire. Certains parents souhaitent que l'école secondaire d'immersion, actuellement en voie de construction dans la division scolaire de Saint-Vital, offre également un programme d'anglais.

Le projet de politique au sujet des programmes immersifs en français, rendu public en janvier 1987, n'a pas encore reçu l'approbation du ministère de l'Éducation. Le document prétend qu'une école à double régime pédagogique dont l'administration est unilingue anglaise peut difficilement réussir à créer un climat francophone.

Le français au secondaire

Un sondage officieux mené en 1987 par la Canadian Parents for French montre que la gamme de cours en français offerts au secondaire est très restreinte ; ce qui pourrait expliquer en partie le pourcentage élevé de décrocheurs. Aux yeux de certains parents, les conseils scolaires ne font pas suffisamment de planification à long terme dans le domaine des programmes d'études au secondaire en prévision de l'arrivée des étudiants des programmes immersifs du primaire.

Une initiative prometteuse du ministère de l'Éducation est la création de trois cours en français — sciences naturelles, calcul et sciences humaines — qui seront offerts par le biais du télé-enseignement. Conçu à l'origine à l'intention des élèves anglophones, le cours de calcul sera offert à titre expérimental aux étudiants des programmes en français et des cours immersifs dès février 1989. Les deux autres cours seront expérimentés en 1989-1990. Le Ministère a également publié une brochure de 44 pages intitulée *French immersion : qu'est-ce que c'est ?* destinée aux parents dans le but de leur faire connaître ce que leurs enfants apprennent à l'école.

Saskatchewan

En Saskatchewan, l'étude du français langue seconde n'est pas obligatoire. Au primaire, là où ces cours existent, on suggère 20 minutes par jour, mais on recommande 30 minutes. Au secondaire, on recommande qu'elle soit de 100 heures par an. Le ministère de l'Éducation a achevé cette année sa révision des

programmes-cadres de français offerts de la maternelle à la douzième année. Il a entrepris par ailleurs un projet d'envergure visant à produire du matériel didactique relié aux programmes immersifs et conçus spécialement pour les jeunes de la province. L'expansion de l'enseignement immersif suscite cependant une certaine opposition, notamment de la part de ceux qui estiment que ce programme empiète sur les ressources financières déjà maigres des régions éloignées et où la clientèle scolaire n'est pas nombreuse. Quoi qu'il en soit, le taux des inscriptions aux cours immersifs a augmenté de 10 p. 100 par rapport à l'an dernier et la popularité des programmes-cadres ne cesse de s'accroître.

L'entente-cadre conclue en 1988 entre le Canada et la Saskatchewan « prévoit la création d'un institut de formation linguistique administré par un conseil », lequel sera au service des collectivités francophone et anglophone, mais qui s'adressera tout particulièrement aux besoins des minorités. « Cette entente a pour objet de multiplier, à l'intention des adultes, les programmes d'études et de formation professionnelle en français au niveau postsecondaire. » Le gouvernement fédéral consacrera 17 millions de dollars au cours des cinq prochaines années à la construction d'un immeuble, à l'achat de matériel, à la mise au point de programmes et à la création de bourses d'études et de perfectionnement. Également, « le Canada et la Saskatchewan reconnaissent le besoin de multiplier les possibilités d'apprentissage de la langue seconde dans les écoles de la province ».

La section provinciale de la Canadian Parents for French, la Commission des écoles fransaskoises et l'Association culturelle franco-canadienne de la Saskatchewan ont publié une brochure portant sur les différences qui existent entre les programmes immersifs et l'éducation en langue française. Intitulée *French Language Education in Saskatchewan/Éducation en langue française en Saskatchewan*, elle expose brièvement les besoins et les objectifs distincts des deux programmes ainsi que leur vision complémentaire.

Alberta

Controversé, le projet de loi 59 de l'Alberta visant l'éducation a été retiré et remplacé par le projet de loi 27, adopté à la fin de l'année. Au cours des discussions entourant le projet de loi 59, la Canadian Parents for French a exprimé le désir que la nouvelle *Loi scolaire* garantisse l'accès aux cours immersifs. Bien que leurs recommandations n'aient pas été retenues, la nouvelle législation établit une distinction nette entre les programmes spéciaux (l'immersion, par exemple) et l'enseignement dans la langue minoritaire. La nouvelle politique en matière d'enseignement de la langue seconde en Alberta, rendue publique en novembre 1988 et qui sera mise en œuvre en 1989-1990, traite de certaines des préoccupations formulées par les parents. Les grandes orientations, les lignes directrices et les règles touchant le partage des responsabilités s'appliquent à l'enseignement en français et en anglais ainsi qu'à celui des langues patrimoniales et

autochtones. L'énoncé de politique précise en outre que la province s'engage à favoriser l'apprentissage du français et « d'un éventail de langues, et à aider les étudiants dont la langue maternelle n'est pas l'anglais à apprendre cette langue ». On s'y engage également à promouvoir l'éducation en français. Pour ce qui est du français langue seconde, le ministère de l'Éducation en préconisera « l'apprentissage en offrant des programmes et des services d'enseignement immersif et autres ». On y indique de façon explicite que les programmes d'immersion constituent l'un des moyens d'apprendre le français.

L'immersion étant toujours considérée comme un programme facultatif, les conseils scolaires ont le droit d'exiger, pour les élèves qui ne sont pas du quartier, des frais de transport et de surveillance des réfectoires. Certains parents refusent de payer la note. À Edmonton, un père de famille a même porté sa cause devant les tribunaux. Certains conseils scolaires se retrouvent donc dans la situation désagréable d'avoir à recourir à des agences de recouvrement.

Le contenu des programmes albertains de français langue seconde fait présentement l'objet d'un réexamen. En septembre 1989, un projet-pilote d'enseignement à distance du français langue seconde sera offert dans les écoles secondaires du nord de la province, où l'enseignement du français était inexistant. Les cours, télédiffusés en direct deux fois la semaine, seront complétés par des téléconférences, des cahiers d'exercices, voire des logiciels. Si la transmission vidéo sera unidirectionnelle, le système audio lui, sera bidirectionnel, permettant ainsi aux étudiants de dialoguer avec le professeur.

Certains enseignants de l'extérieur de la province éprouvent des difficultés d'adaptation dans les collectivités où ils enseignent. En 1988, l'Alberta School Board Association for Bilingual Education a parrainé une semaine d'accueil pour informer les nouveaux enseignants sur une gamme de sujets d'ordre pratique et pédagogique.

Colombie-Britannique

En 1988, la Commission royale d'enquête sur l'éducation de la Colombie-Britannique a publié un rapport intitulé *A Legacy for Learners*. Selon ce document, un programme d'études vraiment complet englobe nécessairement l'apprentissage d'une langue seconde. « Étant donné la dualité linguistique du Canada, il serait tout simplement logique d'apprendre le français et d'en commencer l'enseignement dès les premières années du primaire puisque les études démontrent que les jeunes enfants ont beaucoup de facilité à apprendre une langue. » La Commission a recommandé au ministère de l'Éducation d'élaborer un programme commun pour les élèves de la première à la dixième année, lequel devra comprendre l'enseignement du français langue seconde. On ne peut plus opportune, cette recommandation correspond au projet du Ministère d'offrir un nouveau programme-cadre de français langue seconde à l'échelle de la province dès septembre 1990.

Entre-temps, les intéressés examinent les résultats d'une étude sur les diverses méthodes d'enseignement du français. Publiée en janvier dernier, cette étude intitulée *The British Columbia French Immersion Assessment*, qu'ont menée deux professeurs de l'Université Simon Fraser, souligne que les élèves des classes d'immersion en français égalent les locuteurs d'origine pour ce qui est de la compétence communicative ... mais non sur le plan de la facilité d'expression, de la prononciation et de la grammaire. Leur rapport souligne en outre que ces jeunes rivalisent — quand ils ne les surpassent pas — avec les élèves de l'enseignement régulier en anglais pour ce qui est de la lecture dans leur langue maternelle, des mathématiques et des sciences.

Les auteurs de l'étude concernant les élèves des classes de quatrième et septième années soulignent qu'il y a lieu de travailler davantage la lecture, et recommandent, entre autres, que les titulaires des classes immersives incitent les élèves avec plus de vigueur, à lire davantage en français tant à l'école qu'à la maison.

À l'instar de leurs collègues de la Saskatchewan, les membres de la section provinciale de la Canadian Parents for French se sont unis à l'Association des parents du programme-cadre de français pour rédiger la brochure intitulée *French Language Programs for British Columbians/Éducation en français, Deux clientèles, Deux programmes*. Le document insiste sur le fait que les élèves minoritaires ont des besoins linguistiques, culturels et éducatifs distincts ainsi qu'une identité propre, et il définit clairement les critères d'admissibilité aux programmes français offerts à l'échelle de la province ainsi que leurs objectifs et leurs principales caractéristiques.

L'immersion, de même que les programmes-cadres de français, continuent de gagner rapidement du terrain. Parallèlement, la demande visant l'enseignement d'autres langues, en particulier certaines langues asiatiques, se fait de plus en plus forte. Par exemple, nombre de jeunes de toutes origines ethniques suivent des cours de japonais et de mandarin. La connaissance de l'anglais langue seconde revêt une importance croissante tant chez les jeunes que chez les adultes. À Vancouver, près de 50 p. 100 des élèves du primaire ont une langue maternelle autre que l'anglais.

Yukon

En 1988, l'Université Simon Fraser a effectué une évaluation des programmes d'immersion en français qui devrait contribuer à orienter leur développement au cours des prochaines années. Selon l'étude, « les élèves en immersion de tous les niveaux font des progrès dans les diverses disciplines ayant fait l'objet d'un test. En outre, les élèves des classes supérieures... sont manifestement bien disposés face au bilinguisme... »

Comme dans le cas des élèves de la Colombie-Britannique, le développement des compétences en lecture doit être poursuivi activement. Dans ce domaine, l'étude a révélé que les élèves de cinquième et de septième année se distinguent par leur performance en lecture française par rapport à la moyenne canadienne. Aussi les chercheurs ont-ils recommandé d'essayer de découvrir les facteurs qui contribuent au succès de ces élèves.

Contrairement à nombre d'autres régions, le Yukon n'est pas touché par la pénurie d'enseignants francophones. Il ne s'agit pas d'accroître leur compétence de la langue, mais d'améliorer leur formation pédagogique. Depuis janvier 1989, la Faculté Saint-Jean offre deux cours de perfectionnement professionnel à distance, dont l'un porte exclusivement sur l'enseignement du français langue seconde au primaire.

Territoires du Nord-Ouest

Dans les Territoires du Nord-Ouest, les programmes bilingues signifient souvent l'enseignement de l'anglais et d'une langue autochtone. À Yellowknife, là où est situé le centre d'apprentissage du français langue seconde, les parents continuent de faire pression auprès de Radio-Canada pour avoir accès aux émissions de radio et de télévision en langue française. Parmi les activités en français, signalons le Camp de neige organisé par la Canadian Parents for French et le Festival annuel de la francophonie de Yellowknife. Il est possible que certains élèves participent à RENDEZ-VOUS CANADA qui se tiendra en Alberta cette année. Un nouveau programme-cadre de français destiné aux élèves de la première à la sixième année devrait être implanté dès septembre 1989.

PARTIE VI

Les clés du succès : pour un plan directeur

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L'année écoulée a donné aux principaux intervenants fédéraux une bonne occasion de réfléchir aux répercussions de la *Loi sur les langues officielles* de 1988 et à la tâche importante qu'il leur reste à accomplir pour que la Loi devienne un instrument de réforme efficace. L'application de la Loi relève bien entendu du gouvernement du Canada et de chaque institution fédérale. Cependant, les 19 années que nous avons consacrées à l'analyse des questions linguistiques, les milliers de plaintes que nous avons traitées et les centaines de vérifications et d'évaluations que nous avons faites nous ont incités à proposer l'ébauche d'un plan directeur qui établit, à notre avis, les principales dimensions de la relance du programme des langues officielles. La mise en œuvre d'un tel plan devrait permettre de faire du principe fondamental de l'égalité de statut des deux langues officielles dans le domaine fédéral une réalité quotidienne en assurant le respect du français et de l'anglais en tant que langues officielles du Canada dans toutes les institutions fédérales, en appuyant le développement de nos minorités linguistiques et en favorisant l'égalité et l'usage du français et de l'anglais dans la société canadienne.

La *Charte canadienne des droits et libertés* de même que les principes linguistiques fondamentaux de l'accord du lac Meech inscrivent la *Loi sur les langues officielles* de 1988 dans un nouveau contexte. La Charte traite des droits des particuliers et établit que chacun a le droit d'utiliser le français ou l'anglais au Parlement, devant tous les tribunaux établis par le Parlement et, compte tenu de certaines restrictions, pour obtenir les services des institutions du Parlement ou du gouvernement du Canada. L'alinéa 2(1)a) de l'accord du lac Meech, qui n'est pas encore ratifié par l'ensemble des provinces mais qui n'en représente pas moins un engagement ferme de la part du gouvernement fédéral et de la grande majorité des provinces, met l'accent sur les droits des collectivités minoritaires. Il reconnaît en effet l'existence des Canadiens de langue française et de langue anglaise comme une caractéristique fondamentale du Canada et confie au Parlement et aux législatures des provinces le rôle de protéger cette caractéristique. La portée des règlements établis en vertu de la Loi doit donc être suffisamment large et généreuse pour qu'ils englobent à la fois les droits des particuliers et ceux des minorités linguistiques. Par ailleurs, les activités de promotion

prévues doivent protéger et favoriser le mieux possible l'épanouissement des minorités linguistiques. En effet, nous estimons que malgré les améliorations que comporte la *Loi sur les langues officielles* de 1988, il est peu probable qu'elle produise de grands changements tant que la volonté de promotion exprimée dans le préambule ne se traduira pas par un leadership, un esprit, une direction, des structures et des règles qui lui donneront toute sa signification.

Les principaux intervenants

Avant de tracer les grandes lignes de notre plan directeur, nous devrions décrire brièvement les divers intervenants qui, de par la tradition ou de par les dispositions précises de la Loi, sont appelés à suivre, de près ou de loin, l'avancement de la réforme du régime linguistique dans les institutions fédérales et dans l'ensemble de la société canadienne. Il s'agit du Bureau du Conseil privé, du Secrétariat du Conseil du Trésor, du Secrétariat d'État, de la Commission de la Fonction publique, du Commissaire aux langues officielles et du Comité mixte permanent des langues officielles qui exerce un mandat de surveillance générale.

Le **Bureau du Conseil privé**, qui n'est plus mentionné expressément dans la Loi, continue à exercer un rôle clé, comme il le fait dans tout domaine de première importance où une formulation et une coordination générales des orientations s'imposent. Il se voit donc appelé à montrer la voie en s'assurant que les questions linguistiques reçoivent toute l'attention qu'elles méritent de la part des institutions et de leurs chefs. Comme il est le « ministère » du Premier ministre, il voudra sans doute évaluer périodiquement l'état de la réforme du régime linguistique au pays en se fondant sur les renseignements et les analyses que renferment entre autres les rapports annuels présentés au Parlement par le Conseil du Trésor, le Secrétariat d'État et le Commissaire aux langues officielles, ainsi que les rapports du Comité mixte permanent. Étant donné que les besoins de la haute direction et les positions adoptées par le Conseil privé ne manqueront pas d'influer largement sur l'élaboration et la mise en œuvre permanentes de telles orientations, le Conseil pourrait envisager de s'adjoindre un comité actif de sous-ministres pour remplir le mieux possible ce rôle clé.

La Loi confie au **Secrétariat du Conseil du Trésor** l'élaboration et la coordination générales des politiques et des programmes du gouvernement du Canada qui ont trait à l'application des dispositions de la Loi en matière de langue de service, de langue de travail et de participation des Canadiens d'expression française et d'expression anglaise dans les institutions fédérales. Ses quatre attributions principales, dans le cadre de cette mission, consistent à surveiller l'administration du programme des langues officielles dans les institutions fédérales ; à élaborer des règlements, réviser les politiques et déterminer les améliorations à apporter au programme ; à négocier et approuver les lettres d'entente avec les institutions fédérales ; à procéder à des vérifications et à des évaluations, à préparer et à diffuser des directives et de l'information aux

fonctionnaires afin de s'assurer de l'application efficace des politiques. La tâche première du Conseil du Trésor est d'établir des règlements clairs qui traduisent fidèlement l'esprit et l'objet de la Loi et de la Charte.

Pour sa part, le **Secrétariat d'État** se voit confier par la Loi le mandat précis de susciter et d'encourager la coordination de la mise en œuvre par les institutions fédérales de l'engagement consistant à favoriser l'épanouissement des minorités francophones et anglophones du Canada, à appuyer leur développement et à promouvoir la pleine reconnaissance et l'usage du français et de l'anglais dans la société canadienne. Par le biais de son Programme des langues officielles dans l'enseignement, le Ministère verse des subventions aux provinces pour les aider à offrir des programmes d'éducation dans la langue de la minorité et d'apprentissage du français ou de l'anglais, langues secondes. Dans le cadre de son Programme de promotion des langues officielles, le Ministère subventionne les activités d'organisations et d'institutions qui représentent les intérêts des groupes minoritaires. Par cette aide financière directe, il veut permettre aux minorités d'affirmer et de développer leur identité propre et d'avoir accès à un éventail de services sociaux, culturels et de médias. Le Ministère apporte un appui financier aux provinces pour qu'elles puissent mettre sur pied, élargir ou améliorer les services destinés à la minorité de langue officielle. Il aide également les associations bénévoles à établir des services en français et en anglais et offre au secteur privé le concours d'experts à cette fin. Enfin, le Ministère administre le Bureau de la traduction qui assure des services de traduction, de terminologie et d'interprétation au Parlement ainsi qu'aux ministères et organismes fédéraux.

La **Commission de la Fonction publique** assure l'application de la Loi et du règlement sur l'emploi dans la Fonction publique (sélection du personnel en fonction du mérite). Elle s'occupe de l'évaluation des connaissances linguistiques, des programmes de formation linguistique et d'équité en matière d'emploi au moment du recrutement et offre des cours de perfectionnement professionnel. Elle présente au Parlement, dans un rapport annuel et par d'autres moyens, les activités en matière de langues officielles qui relèvent de sa compétence.

En tant que mandataire du Parlement, le **Commissaire aux langues officielles** est chargé de prendre, dans le cadre de ses compétences, toutes les mesures pour assurer la reconnaissance du statut de chacune des langues officielles et pour faire respecter l'esprit de la Loi et l'intention du législateur en ce qui touche l'administration des affaires des institutions fédérales et notamment la promotion du français et de l'anglais dans la société canadienne. Il joue le triple rôle d'ombudsman, de vérificateur linguistique et de promoteur des droits de la minorité.

Le **Comité mixte permanent des langues officielles** est désormais formellement chargé de suivre l'application de la Loi pour le Parlement. Son examen des questions linguistiques et en particulier son analyse des rapports et des

recommandations du Commissaire aux langues officielles donneront un nouvel élan et un plus grand retentissement à la réforme du régime linguistique dans les institutions fédérales, parmi les minorités linguistiques et dans l'ensemble de la société canadienne.

Les institutions fédérales ont un rôle à jouer pour assurer l'égalité linguistique dans leur propre organisation, appuyer le développement des minorités linguistiques et promouvoir le français et l'anglais dans la société canadienne.

Enfin, le gouvernement a également proposé la mise sur pied d'un Conseil canadien des langues officielles chargé de se prononcer sur la promotion du français et de l'anglais dans la société canadienne.

Recommandations

I. Les fondements d'un plan directeur

Nous proposons l'établissement d'un plan directeur par les autorités gouvernementales pour la mise en œuvre de la *Loi sur les langues officielles* de 1988 s'inspirant des recommandations suivantes :

- l'élaboration et la promulgation dans les meilleurs délais d'une réglementation reflétant la lettre et l'esprit de la Loi ;

- la mise au point, à l'intention des administrateurs généraux des institutions fédérales, de principes directeurs en vue de la mise en œuvre de la Loi ;

- la mise au point d'un programme de communications permanent au niveau politique et administratif s'adressant aux Canadiens et Canadiennes en général et aux gestionnaires et employés fédéraux en particulier, et portant sur la philosophie, les objectifs et les modalités de la Loi, ainsi que sur les programmes qui en découlent, afin que chacun soit au fait de ses droits, de ses obligations et de la politique du gouvernement ;

- l'octroi de ressources adéquates pour les programmes de langues officielles, compte tenu de l'impératif d'une gestion économe, ainsi que de la haute priorité accordée à ce domaine et des besoins pressants de certains secteurs ;

- des études appropriées, par le gouvernement fédéral, dans tous les domaines pertinents qui lui permettront de s'assurer que ses politiques et ses pratiques contribuent au mieux à la concrétisation des objectifs de la Loi ;

- l'étude suivie par le gouvernement fédéral de l'effet de la privatisation sur la prestation de services dans les deux langues officielles et l'adoption de mesures propres à assurer le maintien des progrès enregistrés et le respect intégral des obligations linguistiques ;

- l'étude suivie par le gouvernement fédéral, en collaboration avec le gouvernement du Québec et les autres parties intéressées, des répercussions du libre-échange sur la langue et la culture françaises au Canada et l'adoption des mesures compensatoires qui pourraient s'imposer ;

- l'adoption de mesures pour appuyer les efforts des organismes fédéraux à vocation culturelle dans la protection et la promotion de l'identité et de la cohésion linguistique et culturelle du Canada ;

- l'adoption de mesures pour assurer la plus grande harmonisation possible des engagements nationaux pris à l'égard des deux langues officielles et de la politique du gouvernement fédéral en matière de multiculturalisme ;

- au gouvernement fédéral de proposer aux provinces l'adoption, au cours d'une prochaine conférence constitutionnelle, d'une formule visant à appuyer le développement des minorités francophones et anglophones et à réduire l'écart actuel entre le statut de nos deux langues officielles à travers le pays en étendant la prestation de services dans leur langue aux minorités.

II. Réglementation

Nous recommandons l'établissement d'une réglementation sur les communications avec le public et la prestation des services qui tienne compte des principes suivants :

- la notion de **bureau** doit être clairement définie car elle sous-tend toute définition de demande importante ou de vocation du bureau ;

- la définition de l'application de la **demande importante** doit mettre l'accent sur la spécificité des minorités francophones et anglophones concernées, tout autant que sur la nature et le volume des communications (article 32(2)) ;

- la définition de l'application de la **vocation du bureau** (articles 24 et 26) doit garantir que le public soit à l'abri de tout préjudice pouvant nuire à sa santé ou sa sécurité ; elle doit également préciser ce qui constitue le caractère national ou international des mandats de certains bureaux fédéraux (article 24) ;

- la définition des services réglementaires offerts aux voyageurs par des **tiers conventionnés** (article 23(2)) doit garantir que le public ait accès dans sa langue à tous les services liés aux besoins du voyageur en tant que tel et non seulement aux services essentiels.

Nous recommandons au Gouverneur en conseil d'émettre une réglementation visant à créer et à maintenir un milieu de travail propice à l'usage effectif des

deux langues officielles dans les régions et les lieux désignés et, plus particulièrement de veiller à ce que la haute direction et les surveillants, dans ces régions ou lieux, soient en mesure de s'acquitter de leurs fonctions dans les deux langues de sorte que les employés puissent utiliser librement le français et l'anglais.

III. Gestion du programme dans l'administration fédérale

Nous recommandons au Secrétariat du Conseil du Trésor :

Responsabilité et contrôle

- de prendre des mesures additionnelles pour augmenter et améliorer la responsabilité et l'obligation des gestionnaires de rendre des comptes en matière de langues officielles dans les institutions fédérales ;
- d'accélérer la négociation des lettres d'entente et de s'assurer que les futures lettres contiennent, pour tous les aspects du programme, des objectifs clairs et mesurables, assortis d'échéances précises, d'indicateurs de rendement et de mesures de contrôle plus serrées ;
- de revoir sans tarder tous ses énoncés de principe sur les langues officielles afin de les rendre conformes aux dispositions de la *Loi sur les langues officielles* de 1988 ;
- d'examiner le mode d'attribution des ressources en traduction aux ministères.

Nous recommandons également au Secrétariat du Conseil du Trésor :

Service au public

- de tenir compte sans retard des besoins particuliers des minorités de langue officielle peu nombreuses dans l'organisation et l'aménagement des services fédéraux ;
- de s'assurer que les institutions fédérales qui réglementent les activités de tiers exercées en matière de santé et de sécurité publiques tiennent dûment compte de leurs obligations en vertu de la Loi ;
- d'élaborer, faire connaître et mettre en œuvre une politique sur le recours aux médias de la langue officielle de la minorité pour la parution d'annonces du gouvernement fédéral et pour la promotion de ses services ;
- d'assurer que chaque bureau fournissant des services à une minorité de langue officielle compte en tout temps au moins un employé pleinement bilingue (niveau C) capable de traiter les cas complexes ;
- d'éliminer le niveau élémentaire (A) de connaissance linguistique pour la plupart des postes de service au public ;

- d'adopter des mesures de contrôle rigoureuses afin d'assurer l'offre active continue des services dans les deux langues officielles ;

- de veiller à l'efficacité des arrangements administratifs adoptés en vue de pallier dans certaines situations provisoires le manque de personnel bilingue ;

- d'élaborer une politique appropriée et de mettre en œuvre dans les plus brefs délais son engagement à prendre les mesures nécessaires en vue de garantir la prestation de services bilingues à l'occasion de la tenue au Canada d'événements nationaux et internationaux ;

- de réévaluer le système de prime au bilinguisme dans le double objectif de réduire son coût et d'accroître sa valeur incitative.

Nous recommandons au Secrétariat d'État :

- d'établir un plan d'action pour assurer la mise en œuvre par les institutions fédérales de l'engagement du gouvernement à l'endroit des langues officielles et des minorités (articles 41 et 42) ;

- de prendre des mesures pour accroître le bassin de traducteurs et d'intensifier les programmes de dépistage et de formation des interprètes, à l'intérieur et à l'extérieur de la Fonction publique, afin de pallier la pénurie de spécialistes dans ce domaine.

Nous recommandons au Secrétariat du Conseil du Trésor et à la Commission de la Fonction publique selon le cas :

Langue de travail

- de mettre de l'avant des mesures incitatives fondées sur la Loi et sur la reconnaissance d'une obligation civique réciproque en vue d'un usage équilibré de la langue minoritaire en milieu de travail ;

- d'adopter et de mettre de l'avant une politique visant à créer un milieu de travail propice à l'utilisation du français, de même que de l'anglais là où le problème se pose ;

- de prendre toutes les mesures nécessaires pour favoriser l'utilisation du français comme langue scientifique dans les institutions fédérales ;

- de revoir les politiques et les pratiques de nominations intérimaires ou d'affectations à des postes de surveillance dans les régions bilingues afin de s'assurer qu'une faible capacité bilingue chez ces surveillants ne porte pas atteinte au droit des employés de travailler dans la langue officielle de leur choix ;

- de tenter une expérience systématique de formation linguistique visant un bilinguisme réceptif efficace dans certains milieux de travail jugés prioritaires à la suite d'une analyse de la situation ;

- de s'assurer que les systèmes informatiques d'usage courant et généralisé dans les institutions fédérales puissent être utilisés dans l'une ou l'autre des langues officielles.

Nous recommandons à la Commission de la Fonction publique et aux sociétés d'État d'ajouter aux cours séparés en français et en anglais, qui doivent demeurer la norme, des cours de formation et de perfectionnement bilingues pour leurs membres de la catégorie Gestion.

Nous recommandons :

Participation

- au Secrétariat du Conseil du Trésor de veiller à ce que les lettres d'entente qu'il conclura avec les ministères et organismes reflètent les critères de participation énoncés dans la *Loi sur les langues officielles* de 1988 ;

- à la Commission de la Fonction publique d'entreprendre une étude détaillée du recrutement des candidats à des postes de soutien administratif dans la Fonction publique fédérale, plus particulièrement dans la région de la Capitale nationale et au Québec, afin d'améliorer l'accès des Canadiens de langue anglaise à cette catégorie d'emploi ;

- à la Commission de la Fonction publique et au Secrétariat du Conseil du Trésor de prendre toutes les mesures qui s'imposent pour assurer la participation équilibrée des anglophones dans les institutions fédérales au Québec et la participation équilibrée de francophones hors du Québec, notamment dans le nord-est de l'Ontario et au Nouveau-Brunswick ;

- au Secrétariat du Conseil du Trésor et à la Commission de la Fonction publique de procéder à des études détaillées pour établir les raisons pour lesquelles les francophones demeurent sous-représentés dans les catégories clés de la gestion et des scientifiques et spécialistes et de prendre les mesures appropriées pour éliminer les obstacles qui empêchent l'égalité d'accès et l'avancement de ce groupe dans les catégories en question ;

- au Secrétariat du Conseil du Trésor de prendre les mesures nécessaires pour assurer la pleine participation des deux groupes linguistiques dans le domaine de la science et de la technologie ;

- à la Commission de la Fonction publique d'étudier l'évolution du bilinguisme individuel chez les Canadiens en fonction des besoins linguistiques de la Fonction publique ;

- aux sociétés d'État d'examiner la participation des deux groupes linguistiques au sein de leur effectif et de formuler des plans pour corriger les déséquilibres.

IV. Promotion du français et de l'anglais dans la société canadienne

Nous recommandons au Secrétariat d'État :

Minorités de langue officielle

- de poursuivre la négociation des ententes-cadres portant sur l'épanouissement et le développement des communautés minoritaires avec toutes les provinces et les territoires, de surveiller leur mise en œuvre et d'en évaluer systématiquement les résultats ;

- d'évaluer les répercussions des initiatives antérieures sur le développement des collectivités minoritaires ;

- de mettre au point, dans le rôle de promotion qui lui est dévolu, un programme nettement plus détaillé de recherche et de communication afin d'expliquer aux Canadiens les besoins et les attentes des collectivités minoritaires et le rôle que la majorité peut jouer dans la promotion de la dualité linguistique du Canada ;

- d'élaborer de concert avec les instances compétentes un programme de communication sur les liens qui existent entre les objectifs de la *Loi sur les langues officielles* et ceux de la *Loi sur le multiculturalisme*, en mettant particulièrement l'accent sur l'aide aux collectivités et l'enseignement des langues officielles ;

- d'aider les provinces intéressées à mettre au point des modèles administratifs pour la prestation de services fédéraux, provinciaux, municipaux et éducatifs ;

- de poursuivre en étroite collaboration avec le Conseil des ministres de l'Éducation du Canada les efforts en vue de favoriser l'accès à l'enseignement dans la langue de la minorité à tous les niveaux et d'accroître les services en français au niveau postsecondaire ;

- d'évaluer dans un avenir prochain les suites à donner aux recommandations du récent Colloque sur le secteur privé.

Radio-télévision

Nous recommandons au Conseil de la radiodiffusion et des télécommunications canadiennes (CRTC) d'examiner, dans le cadre de sa réglementation, la question d'un meilleur accès des communautés minoritaires de langue officielle à la télédiffusion des débats de la Chambre des communes dans leur langue.

Nous recommandons à la Société Radio-Canada de donner une priorité à l'amélioration de ses services de télédiffusion destinés aux communautés minoritaires de langue officielle, et en particulier au développement de sa programmation locale à leur intention, conformément au rapport qu'elle a soumis au Conseil de la radiodiffusion et des télécommunications canadiennes.

Nous recommandons au Secrétariat d'État :

Enseignement de la langue seconde

- de réunir et de diffuser, en coopération avec le Conseil des ministres de l'Éducation du Canada, les renseignements sur les options en matière de programmes de langue seconde et d'éducation en langue minoritaire ; et d'assurer la coordination de recherches sur le maintien de l'acquis en langue seconde ;

- de concours avec les ministères fédéraux et provinciaux des ressources humaines, d'entreprendre l'étude des possibilités d'emplois bilingues dans le contexte d'une reconnaissance croissante de la dualité linguistique du Canada ;

- d'élargir son appui aux programmes d'échanges et aux autres activités visant à améliorer la compétence en langue seconde ;

Nous recommandons aux autorités compétentes :

- de continuer de subventionner PÉLAGIE (Pédagogie en langue française : guides et informations pour les éducateurs), afin d'assurer la disponibilité, à l'échelle du pays, de la documentation sur l'enseignement du français langue seconde et en langue française ;

- d'entreprendre à l'échelle nationale une planification permettant d'éliminer la pénurie actuelle et prévue d'enseignants du français langue seconde.

Nous recommandons :

Région de la Capitale nationale

- au Secrétariat d'État et à la Commission de la Capitale nationale de mettre au point un mécanisme qui assurerait une plus grande collaboration entre tous les responsables et tous les intéressés afin d'affermir le caractère bilingue de la région de la Capitale nationale ;

- conformément aux prescriptions de la *Loi sur les langues officielles* de 1988, au Secrétariat d'État d'envisager des ententes-cadres avec les provinces de l'Ontario et du Québec afin d'assurer la pleine reconnaissance de la dualité linguistique de même que la reconnaissance et l'usage du français et de l'anglais dans la région de la Capitale nationale.

ANNEXES

Le Commissariat aux langues officielles : savoir s'adapter

Cette annexe présente le cadre dans lequel s'est inscrite la promulgation de la *Loi sur les langues officielles* de 1988. Elle traite de certaines questions sur lesquelles le Commissaire a pris position, donne un bref aperçu des réactions au rapport annuel de l'année dernière et indique les activités les plus marquantes du Commissariat en 1988.

La *Loi sur les langues officielles* de 1988 et le Commissariat

Dès son premier Rapport annuel (1970-1971), M. Keith Spicer recommandait que la Loi accorde au Commissaire et à son personnel une immunité contre les poursuites civiles et qu'elle les libère de l'obligation de témoigner en justice sur les actes accomplis dans l'exercice de leurs fonctions.

Dans son dernier Rapport annuel, celui de 1976, M. Spicer préconisait certaines autres modifications dont celles concernant le droit des fonctionnaires fédéraux au choix de la langue de travail (qui avait fait l'objet d'une Résolution parlementaire en 1973) ; l'obligation des institutions fédérales de rendre compte de leur observance de la Loi en matière de service au public ; et la primauté de la Loi sur le reste de la législation fédérale.

Dans son Rapport de 1977, M. Maxwell Yalden rappelait l'annonce, dans le discours du trône, de l'intention du gouvernement de modifier la Loi. Le Commissaire formulait donc certaines suggestions relatives au recours aux tribunaux, à la langue de travail, au mandat du Commissaire, à la possibilité pour ce dernier de déposer son rapport annuel devant un comité du Parlement, à son immunité judiciaire et au droit à des services d'interprétation dans les procédures engagées au niveau fédéral. Il résumait de plus divers aspects susceptibles d'être inclus dans une refonte de la Loi.

Le Comité mixte spécial des langues officielles, dans son premier et son quatrième rapports (1980 et 1981), recommandait l'adoption de huit modifications à la Loi. En 1981-1982, le Comité prenait connaissance de 13 recommandations formulées de nouveau par M. Yalden. Par la suite, le Comité soumettait

au Parlement un rapport qui ne comportait pas moins de 19 recommandations spécifiques.

Dans son premier Rapport annuel (1984), M. D'Iberville Fortier réclamait au nouveau gouvernement une révision en profondeur de la *Loi sur les langues officielles*, s'inspirant surtout des propositions antérieures.

Dans un rapport spécial présenté en décembre 1985 aux Présidents du Sénat et de la Chambre des communes, puis aux membres du Comité mixte permanent le 11 février 1986, le Commissaire introduisait la notion d'un préambule destiné à élargir la portée de la Loi à l'ensemble de la société canadienne et à préciser les engagements du gouvernement envers les minorités de langue officielle. Il rappelait que la *Loi sur les langues officielles* devait définir plus clairement ses buts et ses objectifs en accord avec les dispositions linguistiques de la *Charte canadienne des droits et libertés* et présentait un plan pour la révision législative. (Voir le Rapport annuel 1985.)

Ces propositions ont aussi servi de fondement aux interventions du Commissaire à la fin de 1986 et au début de 1987 auprès du ministère de la Justice, des organismes centraux et des autres ministères concernés, dans le cadre des travaux préliminaires au dépôt du projet de loi C-72 à la Chambre des communes, le 25 juin 1987.

En 1988, le Commissaire a participé de près aux audiences parlementaires sur le projet de loi C-72 (maintenant la *Loi sur les langues officielles* de 1988). Il a témoigné à deux reprises devant le Comité législatif chargé d'étudier le projet de loi et a agi comme conseiller. À ce titre, il a été appelé à discuter des mérites du projet de loi, à recommander certaines modifications et à répondre aux questions des membres du comité. Le Commissaire a également fourni aux hauts fonctionnaires fédéraux et provinciaux de la plupart des provinces et des territoires des précisions sur la nouvelle loi et sur ses exigences.

Pour une vue d'ensemble du débat parlementaire et de ses résultats, nous renvoyons nos lecteurs au chapitre 2. Le Commissaire est persuadé que la nouvelle loi, si elle ne répond pas à toutes ses attentes, notamment en ce qui a trait aux entreprises mixtes, à la privatisation et au pouvoir des organismes fédéraux de contrôle, constitue un net progrès par rapport à la législation antérieure et un excellent instrument pour parachever la réforme du régime linguistique pourvu, bien entendu, que son caractère promotionnel se traduise en des politiques inspirées du même esprit.

La Loi confirme les trois grands rôles du Commissaire aux langues officielles, à savoir celui d'ombudsman responsable de protéger les droits linguistiques de tous les Canadiens, celui de vérificateur chargé de s'assurer que les institutions fédérales se conforment aux dispositions de la Loi et celui de promoteur des langues officielles du Canada d'un bout à l'autre du pays.

Le Commissaire peut maintenant, en dernier ressort et avec le consentement du plaignant, exercer un recours auprès de la Cour fédérale. Il jouit également d'une immunité contre des poursuites dans l'exercice de ses fonctions. Cette disposition accorde au Commissaire la même protection que celle dont bénéficient les autres ombudsmen fédéraux et provinciaux. De plus, la Loi énonce de façon plus explicite ses pouvoirs d'enquête, ainsi que son pouvoir de présenter des rapports spéciaux au Parlement sur des questions linguistiques urgentes ou importantes. On a par ailleurs pris des mesures pour adapter les activités du Commissariat aux dispositions de la Loi de 1988.

La position du Commissaire

Le Commissaire a fait connaître ses vues sur bon nombre de questions importantes d'intérêt national ou régional, soit à Ottawa même, soit pendant ses visites en région qui l'ont amené une fois de plus dans presque toutes les provinces et au Yukon. Les parties I et VI du Rapport décrivent sa position sur diverses questions.

En avril, il a fait des observations sur le projet de loi déposé à l'assemblée législative de la Saskatchewan à la suite du jugement rendu par la Cour suprême du Canada dans l'affaire Mercure et plus tard, sur les ententes intervenues entre le gouvernement fédéral et la Saskatchewan, relatives à la promotion des droits de la minorité. Le Commissaire a également fait connaître ses réactions au dépôt, par le gouvernement de l'Alberta, d'un nouveau projet de loi sur la langue, à la suite de ce même jugement.

Il a fait d'autres déclarations publiques à propos de l'entente conclue entre le Yukon et le Gouvernement du Canada de l'intention, annoncée par le Nouveau-Brunswick, d'améliorer les services publics en français et en anglais et du jugement de la Cour suprême de l'Île-du-Prince-Édouard sur la loi scolaire de cette province. Le Commissaire a d'ailleurs obtenu l'autorisation d'intervenir dans cette dernière affaire, ce qu'il a fait, tout comme dans une affaire connexe portée devant la Cour d'appel du Manitoba. Par ailleurs, le Commissaire a fait connaître sa réaction à la décision rendue le 15 décembre par la Cour suprême sur l'affichage unilingue français au Québec, à la suite que se proposait d'y donner le gouvernement du Québec et à l'incendie criminel au siège social d'Alliance Québec.

En mai, le Commissaire a comparu devant le Comité législatif chargé d'étudier le projet de loi C-93 (maintenant la *Loi sur le multiculturalisme*). Prenant la parole à l'occasion d'un colloque, en octobre, organisé conjointement par le Secrétariat d'État et le Commissariat, sur le thème « La langue des affaires, une affaire de langues », il a invité « les membres des secteurs privé et bénévole à s'associer à part entière dans cette entreprise qui vise à créer un régime linguistique plus équitable au Canada ».

En ce qui concerne la privatisation d'Air Canada, le Commissaire a été catégorique. Il considère en effet que la Société doit être tenue de continuer à servir le public dans les deux langues officielles, une fois le processus de privatisation terminé, et de s'assurer que son personnel peut continuer à travailler en français ou en anglais. La loi sur la privatisation d'Air Canada prévoit que la société continue à respecter les dispositions de la *Loi sur les langues officielles*.

Le Commissaire a indiqué son appui au rapport présenté au CRTC par le réseau français de la Société Radio-Canada sur les besoins des francophones hors du Québec en matière de programmation française.

Les interviews, discours et voyages du Commissaire

Au cours de l'année, le Commissaire a donné 162 interviews, prononcé 16 discours et présenté de nombreux exposés. De plus, il a diffusé 18 communiqués de presse et rencontré les journalistes à sept occasions.

Par les discours et les interviews qu'il donne un peu partout au Canada, le Commissaire exprime ses vues sur d'importantes questions linguistiques, assure sa présence auprès du public et reste en contact avec les divers groupes représentatifs de la population.

Les discours qu'il a prononcés en 1988 portaient principalement sur les répercussions et l'importance de la *Loi sur les langues officielles* de 1988, sur l'instruction dans la langue de la minorité et l'enseignement de la langue seconde, sur le multiculturalisme et le rôle que devrait jouer le secteur privé pour assurer l'égalité des deux langues officielles du Canada.

À la fin d'octobre, le Commissaire s'est rendu à Canberra en Australie, en tant que délégué à la quatrième conférence internationale des ombudsmen. Environ une douzaine d'ombudsmen canadiens, fédéraux et provinciaux, faisaient partie des 170 délégués et observateurs venus de tous les coins du monde. Les participants à cet important événement international ont abordé divers sujets, dont les méthodes de traitement des plaintes, le rôle de l'ombudsman en tant que protecteur de l'équité et de la justice et la protection de l'intégrité de la fonction d'ombudsman.

Les réactions au Rapport annuel 1987

On ne saurait passer ici sous silence les très vives réactions que devait provoquer au Québec et à travers le pays un passage du Rapport annuel 1987 du Commissaire déposé au Parlement et rendu public le 22 mars 1988. Les phrases en question qui constituaient un exposé de principe se lisaient comme suit :

> « La plupart des Canadiens acceptent l'idée qu'il est juste d'accorder la primauté à la langue de la majorité de la province et de promouvoir activement

son usage dans tous les contextes sociaux possibles. Mais le salut du français, au Québec ou ailleurs, passe sûrement par l'affirmation de son poids démographique, de sa vitalité culturelle et de son pouvoir d'attraction propre, plutôt que par l'humiliation de sa rivale. »

Dans son ensemble, le Rapport décrivait comme à l'habitude, province par province, des situations complexes, faisait état des inquiétudes ou des griefs des membres des communautés minoritaires, signalait que « les difficultés qu'éprouvent les Québécois de langue anglaise n'ont pas l'ampleur de celles que connaissent les minorités françaises du Canada », mais qu'« elles existent pourtant ». Il mentionnait à ce propos les préoccupations des Anglo-Québécois quant à l'exode de beaucoup des leurs et à ses conséquences sur le maintien de leurs institutions, particulièrement de certaines de leurs écoles, à la langue d'affichage, à certains amendements à la *Loi sur le cinéma* jugés indûment restrictifs. Toutes ces questions soulevaient alors une vive émotion au sein de leur communauté. Le Rapport soulignait enfin certaines mesures positives prises par les autorités québécoises à l'endroit de la minorité anglophone au cours de l'année dans le domaine de l'éducation, de la santé et des services sociaux.

L'Assemblée nationale du Québec adopta en fin de journée le 24 mars 1988, après en avoir débattu la veille, une motion unanime dénonçant les « propos du Commissaire », lui « demandant de s'expliquer » et affirmant « qu'elle a toujours exercé la compétence linguistique qui est la sienne de façon tout à fait démocratique... ». Elle fut suivie d'une autre motion du même ordre et adoptée, paraît-il, à une large majorité par la section québécoise du parti progressiste conservateur. Au Parlement, après une brève discussion, le Président de la Chambre jugea irrecevable une proposition de débat d'urgence.

Dans son communiqué émis vers midi le 24 mars 1988, le Commissaire déplorait un malentendu à son avis largement responsable des réactions suscitées, qui provenait du Sommaire du Rapport. Ce Sommaire également publié par le Commissariat rendait mal compte « quant à la phrase la plus contestée... » du Rapport. Il fut donc immédiatement retiré de la circulation, mais continua néanmoins à inspirer les commentaires des médias et d'un grand nombre d'intervenants plutôt que le texte du Rapport lui-même. Le communiqué replaçait de plus les remarques dans leur contexte et concluait qu'« il est naturel que le Commissaire ait prêté à la minorité anglophone du Québec une oreille compatissante comme il le fait pour les autres groupes minoritaires du pays ».

Les médias donnèrent une abondante couverture à l'incident, parfois coiffée de manchettes incorrectes, omettant cependant en général des références aux appréciations positives du Commissaire quant à certaines politiques québécoises. De nombreux correspondants se joignèrent au concert. Médias et correspondants émirent, le plus souvent en fonction de leur langue, des opinions favorables ou défavorables.

Les communiqués de la Fédération des francophones hors Québec et d'Alliance Québec sur le Rapport annuel du Commissaire, tous deux émis le 22 mars 1988, endossaient largement, mais ni l'un ni l'autre entièrement, ses analyses en ce qui les concernaient.

Une réponse du gouvernement canadien à une question posée au Sénat précisa : « le Commissaire et le gouvernement ont un objectif commun, le développement des communautés linguistiques minoritaires du Canada. Le gouvernement rend hommage aux efforts du Commissaire pour atteindre cet objectif ». Cette prise de position officielle ne reçut aucune publicité. En fin d'année, le débat linguistique reprit de plus belle et certains méditèrent à nouveau sur la pertinence des propos antérieurs du Commissaire.

En guise de conclusion, il nous semble que la réaction de l'Assemblée nationale du Québec a peut-être démontré paradoxalement que bien que chacun en ait sa propre interprétation, le principe énoncé par le Commissaire dans la phrase contestée est considéré comme allant tellement de soi qu'il est offensant d'en faire état publiquement. La *Charte de la langue française* du Québec n'affirme-t-elle pas une volonté « de justice et d'ouverture... » vis-à-vis de la communauté québécoise d'expression anglaise et des minorités ethniques ?

Il ressort enfin de la controverse que le Commissaire doit conserver sa liberté d'expression et sa mission de défendre les minorités, avec les risques que cela comporte. Le premier ministre Bourassa le reconnut du reste au cours du débat parlementaire du mois de mars 1988. Ce *droit de commenter* dont jouit le Commissaire s'inspire d'une longue tradition. Il résulte aussi du besoin qu'éprouvent beaucoup d'intéressés de disposer d'une analyse aussi impartiale que possible de l'évolution d'ensemble de la question linguistique du Canada. Ce besoin se situe en définitive aux niveaux intellectuel et moral plutôt qu'à celui du partage des compétences.

Structure du Commissariat

Le Commissaire est secondé dans ses fonctions par un sous-commissaire, cinq directions à l'administration centrale, cinq bureaux régionaux et huit agents de liaison à temps partiel répartis dans tout le Canada.

Parmi les changements à la haute direction en 1988, signalons le départ du conseiller aux projets spéciaux, M. Stuart Beaty, qui exerce désormais des fonctions semblables auprès de la Commission canadienne des droits de la personne. M^me^ Emmanuelle Gattuso, la directrice des Communications, a accepté le poste de vice-présidente aux communications de l'Association canadienne des radiodiffuseurs. M. Patrick Doyle lui a succédé.

Chargée de dispenser des conseils et des analyses détaillées au Commissaire et à ses collaborateurs sur les politiques, la législation, les règlements et les décisions

des tribunaux en matière de langues officielles, la **direction des Politiques** a consacré beaucoup d'énergie à la préparation de documents, d'analyses, de projets et d'énoncés sur le projet de loi C-72. Elle a par ailleurs commandé des études démolinguistiques ainsi qu'une bibliographie analytique sur le maintien de l'acquis en langue seconde. La Direction a également participé à l'organisation du colloque sur la langue et les affaires, dont nous avons parlé plus tôt.

Quelques jours après la promulgation de la nouvelle loi, la **direction des Plaintes et Vérifications** a organisé, en collaboration avec la direction des Opérations régionales, une séance d'information d'une semaine destinée à familiariser ses employés à Ottawa et dans les régions avec son nouveau manuel de traitement des plaintes. Les procédures ont été mises à jour afin de tenir compte des délais établis dans la Loi pour l'exercice d'un recours devant la Cour fédérale en cas de règlement insatisfaisant de certaines plaintes.

Pour s'assurer d'être en mesure de s'acquitter pleinement de la fonction d'ombudsman que lui confie la nouvelle loi, la Direction compte maintenant quatre divisions au lieu de trois. Elle a également engagé un conseiller juridique et plusieurs agents, et instauré des mécanismes destinés à contrôler la qualité du traitement des plaintes.

La Direction a par ailleurs procédé à un certain nombre d'examens de politique sur des questions soulevées par la Loi. Elle a également continué à étudier d'importants enjeux comme la langue de travail.

En 1988, la Direction a effectué 20 vérifications, suivis et études. Elle a reçu 2 720 plaintes et demandes de renseignements, dont 2 026 mettaient en cause des institutions fédérales.

La **direction des Communications** a examiné les plans établis par le Commissariat pour mettre le public au courant des exigences de la nouvelle loi. Elle a retenu certaines initiatives qui seront prises au début de 1989. Il s'agit notamment d'une campagne d'information, d'une série de dépliants et d'une bande vidéo intitulée « Deux langues, un pays ».

Les 200 000 exemplaires de l'*Agenda 88/89*, destiné aux étudiants, ont vite été raflés. De plus, la Direction a publié une nouvelle affiche et a commencé la réalisation d'une nouvelle bande vidéo pour les jeunes de cinq à sept ans. Ces outils de communication ont été préparés en étroite collaboration avec le Comité consultatif fédéral-provincial du Programme jeunesse.

En 1988, la Direction a distribué 18 communiqués et coordonné un certain nombre de rencontres avec des journalistes un peu partout au Canada. À la fin de l'année, *Langue et Société*, la revue trimestrielle du Commissariat, comptait environ 9 000 abonnés. Près de 12 000 exemplaires de chaque numéro ont été

distribués. Le numéro d'automne de *Langue et Société* comportait un dossier spécial sur la langue de travail dans les ministères et organismes fédéraux.

La **direction des Opérations régionales** a continué à engager des agents à temps partiel pour servir certaines régions du Canada. En plus de ses agents en Ontario, la Direction en compte à l'Île-du-Prince-Édouard, en Nouvelle-Écosse, à Québec, en Saskatchewan et en Colombie-Britannique. Ces agents représentent le Commissaire à l'occasion de conférences et d'événements spéciaux, assurent la liaison avec les collectivités de la minorité et de la majorité, ainsi qu'avec la presse locale, et font des discours et des exposés sur des questions linguistiques.

Pour des raisons d'efficacité, les opérations régionales du Commissariat en Ontario ont été restructurées en 1988 et tous les agents se trouvent maintenant à Toronto. On a fermé le bureau de Sudbury et on a nommé un agent de liaison à cet endroit.

La **direction de la Gestion des ressources** assure les services en matière de finances, d'administration et de personnel et s'occupe des aspects administratifs des bureaux du Commissaire et du sous-commissaire. La Direction compte un effectif de 40 années-personnes.

Elle est chargée de mettre en œuvre les systèmes automatisés de gestion et d'assurer des services de soutien administratif aux directions. À la fin de l'exercice financier 1988-1989, la Direction étudiera l'utilisation des ressources au Commissariat et les répercussions de la *Loi sur les langues officielles* de 1988 sur ses activités.

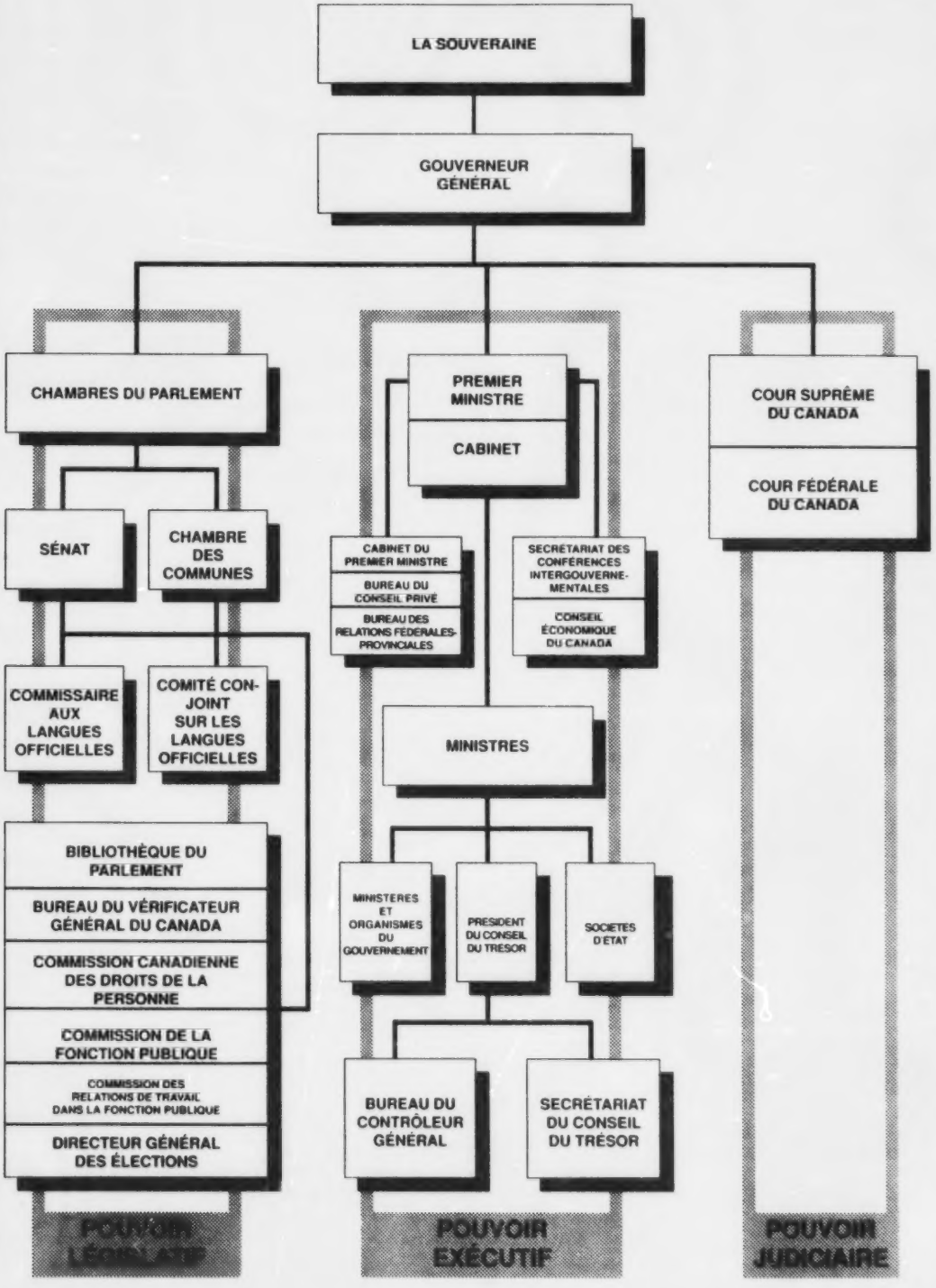
Dans l'ensemble, la participation anglophone au Commissariat était de 29,5 p. 100 en 1988, ce qui représente une augmentation de 1,5 p. 100 par rapport à 1987 et de 5 p. 100 par rapport à 1984. Les anglophones représentaient 40 p. 100 des employés dans la catégorie Gestion, 36,4 p. 100 dans la catégorie d'agents et 16,1 p. 100 dans la catégorie Soutien administratif. Les femmes au Commissariat représentaient 58 p. 100 de l'effectif, soit 20 p. 100 des cadres et 48,5 p. 100 des agents. Un seul employé a indiqué appartenir à une minorité visible.

Commissariat aux langues officielles : années-personnes et budget 1988-1989

Direction	Annés-personnes	Budget (en milliers de dollars)
Politique	13	1 059
Plaintes et Vérifications	53	3 101
Communications	22	2 762
Opérations régionales	32	2 165
Gestion des ressources	40	2 201
TOTAL	**160**	**11 288**

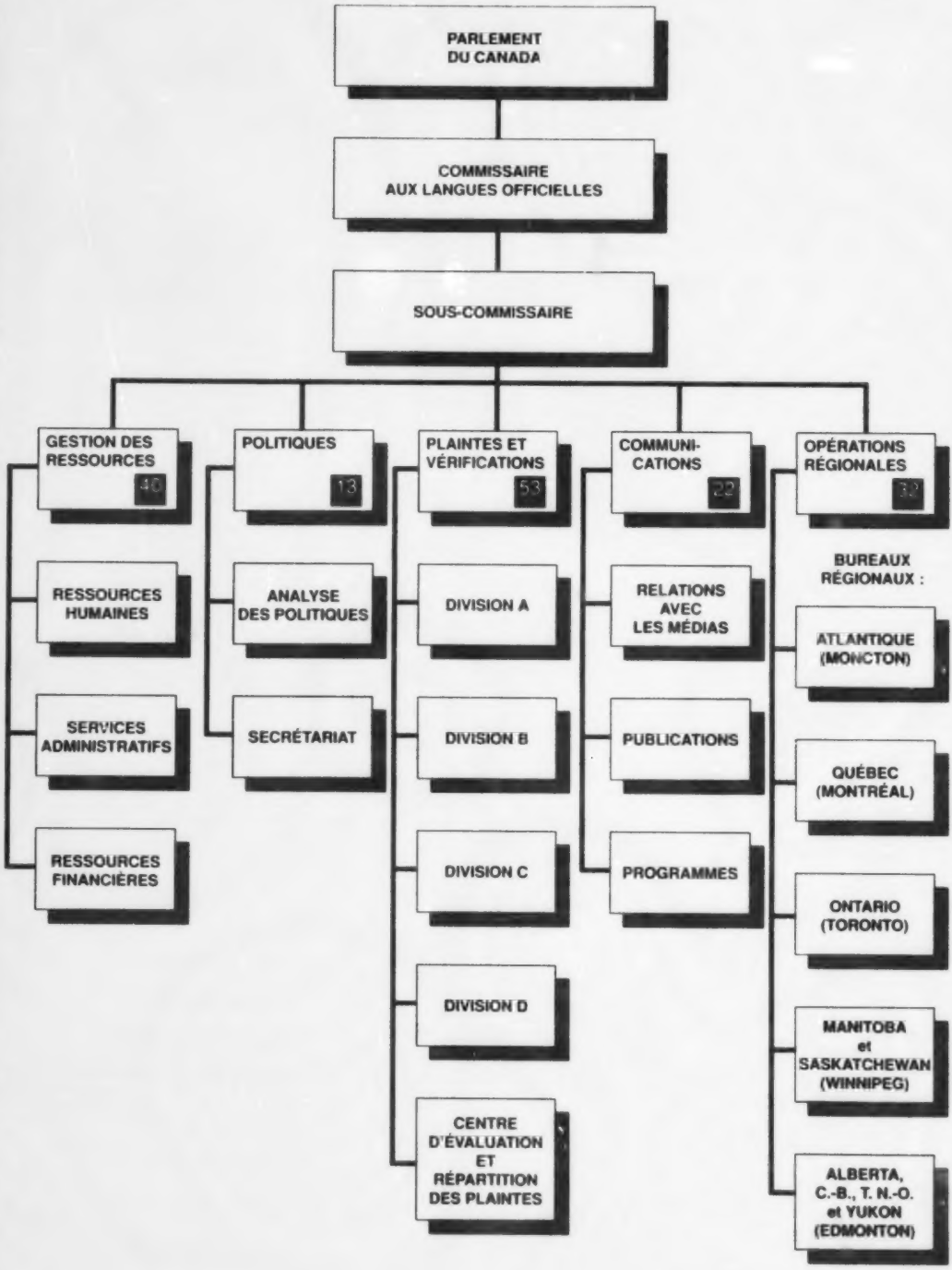
GOUVERNEMENT DU CANADA
Organigramme abrégé

1



COMMISSARIAT AUX LANGUES OFFICIELLES 2

Organigramme



■ effectif

Résumé[1] de la *Loi sur les langues officielles* de 1988

Préambule

La Loi comporte un préambule en dix points qui reconnaît :

- conformément aux principes énoncés dans la Constitution, que le français et l'anglais sont les langues officielles du Canada et qu'elles disposent d'une égalité de statut, de droits et de privilèges quant à leur usage dans les institutions fédérales ;
- conformément aux mêmes principes, l'universalité d'accès dans les deux langues en ce qui a trait au Parlement et à ses lois ainsi qu'aux tribunaux du Canada, et le droit du public à l'emploi de l'une ou l'autre de ces langues pour communiquer avec le Parlement et le gouvernement ou pour en recevoir des services ;
- le droit des employés d'expression française et d'expression anglaise du gouvernement fédéral de faire usage au travail de la langue officielle de leur choix et de jouir de chances égales d'emploi et d'avancement dans l'Administration ;
- l'engagement du gouvernement fédéral à favoriser l'épanouissement des minorités de langue officielle ;
- l'engagement du gouvernement fédéral à collaborer avec les provinces, le secteur privé, les syndicats et les associations bénévoles dans le but d'atteindre l'égalité linguistique dans la société canadienne ;
- l'importance, parallèlement à l'affirmation du statut des langues officielles et à l'élargissement de leur usage, de maintenir et de valoriser l'usage des autres langues.

Objet (article 2)

L'objet de la Loi est énoncé dans cet article qui :

- énumère les secteurs où l'égalité linguistique est garantie : le Parlement, les tribunaux, les textes législatifs, le service au public et les communications au sein de l'administration fédérale ;

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[1] Nous avons jugé utile de ne passer en revue que les points saillants de la Loi. Aussi invitons-nous les lecteurs à consulter le texte de la Loi en s'adressant à notre direction des Communications ou à un des bureaux du ministère des Approvisionnements et Services.

- précise l'engagement du gouvernement à favoriser l'épanouissement des minorités de langue officielle et à promouvoir la pleine reconnaissance de l'égalité de statut et l'usage du français et de l'anglais dans la société canadienne.

Définitions (article 3)

- Cet article définit des expressions clés comme « sociétés d'État » et « institutions fédérales ».

Débats et travaux parlementaires (Partie I : article 4)

- Cet article prévoit l'interprétation simultanée des débats et travaux parlementaires ainsi que la publication dans les deux langues officielles du journal des débats et des comptes rendus des travaux du Parlement.

Actes législatifs et autres (Partie II : articles 5 à 13)

- Les lois, règlements, décrets et autres textes législatifs fédéraux doivent être publiés simultanément dans les deux langues officielles, les deux versions ayant également force de loi.

- Tous les documents émanant d'une institution fédérale et qui sont déposés au Parlement doivent être présentés dans les deux langues.

- Tous les avis et annonces que les institutions fédérales peuvent publier, sous le régime d'une loi fédérale, doivent paraître dans au moins une publication de chaque langue officielle, ou dans les deux langues officielles, dans toutes les régions visées, et les deux versions doivent se voir accorder une égale importance.

Administration de la justice (Partie III : articles 14 à 20)

- Les tribunaux fédéraux (y compris certains tribunaux administratifs) doivent veiller à ce que tout témoin puisse être entendu dans la langue officielle de son choix sans subir de préjudice.

- La Cour suprême du Canada mise à part, tous les tribunaux fédéraux, dans le cadre de leurs fonctions judiciaires, doivent veiller à ce que celui qui entend l'affaire comprenne le français et l'anglais sans l'aide d'un interprète, lorsque l'affaire a lieu dans les deux langues. Lorsque l'affaire a lieu dans une seule langue, celui qui entend l'affaire doit comprendre cette langue.

- Lorsqu'une institution fédérale est mise en cause dans une affaire civile entendue par un tribunal fédéral, elle doit utiliser la langue officielle choisie par les autres parties pour les témoignages tant oraux qu'écrits.

- Les décisions définitives des tribunaux fédéraux doivent être publiées simultanément dans les deux langues lorsque l'affaire a été entendue dans les

deux langues ou lorsqu'il s'agit d'une question de droit d'intérêt public. Dans certaines circonstances, la décision définitive peut être publiée dans une seule langue, à condition qu'une traduction soit établie dans les meilleurs délais possible.

COMMUNICATIONS AVEC LE PUBLIC ET PRESTATION DES SERVICES (PARTIE IV : ARTICLES 21 À 33)

- Le public a le droit de communiquer avec les institutions fédérales et d'en recevoir les services dans les conditions prévues par la présente partie.

- Le public a le droit de communiquer et de recevoir des services dans l'une ou l'autre des deux langues officielles :

  - de la part de tous les sièges sociaux et administrations centrales des ministères et organismes fédéraux ;
  - dans la région de la Capitale nationale et dans tous les bureaux et autres points de service au Canada et à l'étranger : a) là où il existe une « demande importante », et b) là où la « vocation du bureau » le justifie ;
  - partout où des services sont assurés aux voyageurs, si la demande le justifie.

- La notion de « vocation du bureau » a été introduite pour tenir compte de facteurs tels la santé et la sécurité publiques, l'emplacement du bureau, ou encore le caractère « national ou international » de son mandat. Après avoir dûment consulté les représentants des minorités de langue officielle, le Gouverneur en conseil émettra un règlement précisant l'interprétation de ces critères et d'expressions telles la « demande importante ».

- La Loi prévoit également que les tiers qui offrent des services au public au nom des institutions fédérales soient assujettis aux mêmes obligations linguistiques que ces institutions. Par ailleurs, les organismes fédéraux dotés de pouvoir de réglementation dans des secteurs touchant la santé et la sécurité publiques doivent utiliser ces pouvoirs, « si les circonstances le justifient », afin de s'assurer que les organismes puissent servir le public dans les deux langues officielles, lorsque jugé nécessaire.

- Les bureaux et points de service désignés « bilingues » sont tenus d'offrir leurs services dans les deux langues officielles, notamment par le biais de la communication verbale et de l'affichage. C'est ce qu'il convient d'appeler l'« offre active » de service.

- Lorsqu'elles dispensent de l'information au public, les institutions fédérales doivent recourir aux médias les plus appropriés pour rejoindre efficacement les intéressés dans leur langue.

Langue de travail (Partie V : articles 34 à 38)

- La Loi énonce explicitement le principe selon lequel les fonctionnaires peuvent travailler dans leur langue officielle d'élection, sous réserve des exigences du service au public, des obligations d'encadrement et d'autres facteurs, et en fait un **droit** formel duquel découlent les obligations des institutions fédérales. Celles-ci sont tenues d'assurer, dans certaines régions désignées, l'égalité du français et de l'anglais au travail, dans la mesure où le nombre d'employés des deux groupes linguistiques le permet et en tenant compte des exigences du service au public. Autrement dit, les institutions fédérales doivent veiller à ce que :

  - les services centraux et du personnel soient offerts dans les deux langues ;
  - les documents de travail et les systèmes informatiques d'usage courant et généralisé soient disponibles dans les deux langues ;
  - les surveillants (à titre individuel) et les gestionnaires (à titre collectif) des régions où le bilinguisme est le plus répandu soient linguistiquement compétents.

- Les régions désignées bilingues sont énoncées dans une circulaire du Conseil du Trésor et font partie intégrante de la Loi. Elles sont situées au Québec, au Nouveau-Brunswick et en Ontario.

- Les membres de la minorité de langue officielle bénéficient, dans les autres régions non désignées bilingues où l'une ou l'autre langue prédomine, du même traitement que l'autre groupe linguistique dans une situation comparable.

- Le Gouverneur en conseil établira des règlements précisant la portée des dispositions relatives à la « langue de travail ».

Participation des Canadiens d'expression française et d'expression anglaise (Partie VI : articles 39 à 40)

- La Loi reconnaît le droit des francophones et des anglophones d'avoir des chances égales d'emploi et d'avancement au sein des institutions fédérales. Elle énonce également que leur taux de participation doit tendre à refléter leur présence démographique respective.

- Cependant, dans ce dernier cas, on doit tenir compte du mandat, de l'emplacement des bureaux et de la clientèle de chacune des institutions.

- Le mode de sélection est toujours fondé sur le principe du mérite.

Promotion du français et de l'anglais (Partie VII : articles 41 à 45)

- La Loi confie au Secrétariat d'État le mandat de coordonner les activités de toutes les institutions fédérales visant à favoriser l'épanouissement des minorités linguistiques et à promouvoir la reconnaissance ainsi que l'usage du français et de l'anglais au sein de la société canadienne.

- Pour ce faire, le Secrétariat doit :

  - encourager et aider les provinces à assurer l'enseignement dans la langue de la minorité et l'enseignement de la langue seconde, ainsi qu'assurer la prestation des services tant provinciaux que municipaux dans les deux langues ;
  - collaborer avec le secteur privé, les syndicats et les associations bénévoles afin de les aider à offrir leurs services dans les deux langues ;
  - encourager le public à mieux accepter et apprécier le français et l'anglais.

Attributions du Conseil du Trésor (Partie VIII : articles 46 à 48)

- La Loi confie au Conseil du Trésor la responsabilité globale de la gestion et de la coordination des principes et programmes en matière de langues officielles intéressant l'administration fédérale, y compris les sociétés d'État et les filiales en propriété exclusive.

- Le Conseil doit émettre des directives, établir des règlements, informer le public, évaluer l'efficacité des programmes et faire rapport annuellement au Parlement.

Mandat du Commissaire aux langues officielles (Partie IX : articles 49 à 75)

- La Loi maintient le poste de Commissaire aux langues officielles. En sa qualité d'administrateur général de ministère, il est habilité à embaucher du personnel et des spécialistes.

- Le Commissaire est chargé, dans le cadre de sa compétence, de prendre les mesures qui s'imposent pour assurer la reconnaissance des deux langues officielles en conformité avec la Loi ; il doit également veiller à ce que les institutions fédérales respectent leurs obligations en ce qui a trait à la promotion des deux langues officielles.

- Par conséquent, le Commissaire effectue des enquêtes, soit de son propre chef, soit à la suite d'une plainte, et présente des rapports et recommandations conformément aux dispositions de la présente partie. Afin d'assurer

que les enquêtes sont menées de façon juste et équitable, le Commissaire est tenu de respecter certaines règles. Il doit notamment donner un préavis de son intention d'enquêter à l'institution fédérale concernée, mais il n'en est pas moins libre de procéder à sa guise.

- Le Commissaire a le droit d'examiner les règlements et directives de la présente loi et de faire rapport au Parlement.

- Au terme de l'enquête, le Commissaire peut transmettre au Gouverneur en conseil un rapport spécial, s'il juge que l'institution concernée n'a pas donnée suite, dans un délai raisonnable, aux recommandations par des mesures appropriées. Si, après la transmission du rapport, il n'y a toujours pas été donné suite, à son avis, par des mesures appropriées dans un délai raisonnable, le Commissaire peut déposer au Parlement le rapport y afférent.

- Le Commissaire est tenu de déposer un Rapport annuel auprès du Parlement rendant compte des activités du Commissariat. S'il le juge opportun, il peut également présenter un rapport spécial au Parlement touchant les cas urgents. Les rapports sont transmis au comité parlementaire intéressé, aux fins d'étude.

Recours judiciaire (Partie x : articles 76 à 81)

- Quiconque a déposé une plainte auprès du Commissaire peut, après instruction de la plainte et selon certains délais, s'adresser à la Division de première instance de la Cour fédérale.

- Si le tribunal décide qu'une institution fédérale ne s'est pas conformée à la présente loi, il peut accorder une réparation qu'il estime juste et appropriée eu égard aux circonstances.

- Le Commissaire peut intervenir dans une cause intentée par un plaignant ou, sous certaines conditions, exercer lui-même le recours avec le consentement du plaignant.

- Les renseignements sur des plaintes de même nature concernant une même institution fédérale sont considérées recevables.

- La Loi maintient le pouvoir du Commissaire de demander l'autorisation d'intervenir dans toute instance judiciaire relative aux langues officielles.

Dispositions générales (Partie xi : articles 82 à 93)

- Dans le cas d'une incompatibilité, les parties I à V de la présente loi prédominent sur tous les autres règlements et textes législatifs fédéraux, à l'exception de la *Loi canadienne sur les droits de la personne*.

- Le président du Conseil du Trésor consultera les représentants des minorités de langue officielle et, lorsque nécessaire, le grand public sur les règlements intéressant la présente loi.

- Les projets de règlement doivent être déposés à la Chambre des communes 30 jours de séances avant la publication du règlement dans la *Gazette du Canada*. Par la suite, le règlement n'entrera en vigueur qu'après au moins 30 jours de séance, après leur publication, afin que les intéressés aient la possibilité de présenter au président du Conseil du Trésor leurs observations à cet égard.

- Les règlements proposés qui suggèrent l'ajout ou la suppression d'une région sur la liste des régions désignées bilingues aux fins de la langue de travail peuvent être rejetés par la Chambre des communes et le Sénat.

- Les exigences linguistiques liées à une initiative donnée dans le secteur de la dotation, comme la désignation d'un poste bilingue, doivent être jugées objectivement nécessaires à l'exercice de ladite fonction. Les plaintes à ce sujet peuvent faire l'objet d'une enquête et, partant, d'un recours à la Division de première instance de la Cour fédérale.

Modifications connexes (Partie XII : articles 94 à 98)

- Le *Code criminel* est modifié afin de confirmer la portée des droits linguistiques des accusés durant les procès et les enquêtes préliminaires.

- Ces amendements au *Code criminel* entreront en vigueur dans toutes les provinces au plus tard le 1er janvier 1990.

- L'Assemblée législative des Territoires du Nord-Ouest ne peut modifier l'ordonnance sur les langues officielles, pour en réduire les droits linguistiques, sans le consentement du Parlement. Cependant, elle est habilitée à étendre ces droits.

- Les mêmes conditions s'appliquent à l'Assemblée législative du Yukon et à son ordonnance sur les langues officielles.

Modifications corrélatives (Partie XIII : articles 99 à 104)

- Plusieurs lois dont la *Loi sur l'accès à l'information* et la *Loi sur la protection des renseignements personnels* ont subi des modifications mineures, en conséquence.

Dispositions transitoires, abrogation et entrée en vigueur (Partie XIV : articles 105 à 111)

- Sont visées par la présente partie les dispositions transitoires touchant les amendements au *Code criminel* énoncés à la partie XII, le Commissaire aux

langues officielles en fonction et le pouvoir du président du Conseil du Trésor d'accorder une aide financière aux sociétés d'État.

- La *Loi sur les langues officielles* de 1969 est abrogée.

- La présente loi entre en vigueur à la date fixée par proclamation, soit le 15 septembre 1988, à l'exception de l'article 95 qui prendra effet le 1er février 1989.

TABLEAUX

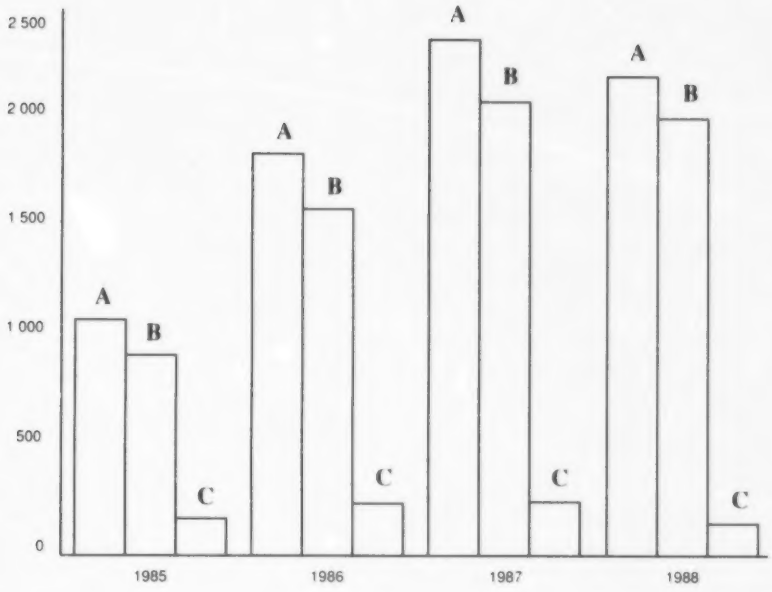
A.1

Répartition numérique des plaintes et des demandes d'information, compétence (fédérale ou non) et nature des plaintes selon la langue visée et la province/territoire, 1988

	1983-1987	1988											
	Moyenne numérique des plaintes reçues		Demandes d'information	Total	Compétence		Nature des plaintes selon la langue visée						
							Français			Anglais			
	Nombre	Plaintes Nombre	Nombre	Nombre	Fédérale	Non fédérale	Langue de service	Langue de travail	Autre	Langue de service	Langue de travail	Autre
Terre-Neuve	28	102	11	113	100	2	99	2	1	0	0	0
Île-du-Prince-Édouard	44	83	7	90	78	5	82	0	0	1	0	0
Nouvelle-Écosse	232	259	33	292	251	8	253	1	3	2	0	0
Nouveau-Brunswick	125	199	48	247	170	29	172	12	2	8	3	2
Québec[1]	170	286	49	335	265	21	138	23	6	115	4	0
RCN – Québec	20	39	9	48	33	6	25	5	3	6	0	0
RCN – Ontario	412	487	242	729	456	31	348	68	20	39	9	3
Ontario[2]	218	273	67	340	242	31	246	12	2	12	0	1
Manitoba	110	168	11	179	156	12	163	1	2	2	0	0
Saskatchewan	56	52	9	61	50	2	51	0	0	1	0	0
Alberta	96	148	25	173	144	4	142	2	0	2	0	2
Colombie-Britannique	51	44	15	59	35	9	40	1	1	2	0	0
Territoires du Nord-Ouest	2	13	0	13	13	0	13	0	0	0	0	0
Yukon	4	9	0	9	9	0	9	0	0	0	0	0
Étranger	10	27	5	32	24	3	11	1	0	15	0	0
TOTAL	**1 578**	**2 189**	**531**	**2 720**	**2 026**	**163**	**1 792**	**128**	**40**	**205**	**16**	**8**

[1] Exclut le côté québécois de la région de la Capitale nationale.
[2] Exclut le côté ontarien de la région de la Capitale nationale.

A.2 LES PLAINTES AU COURS DES ANS



Légende: A — Plaintes (Total)
B — Service au public
C — Langue de travail

	TOTAL	Service au public	Langue de travail	Autre
1985	1 080	913	167	-
1986	1 840 [1]	1 583	242	15
1987	2 360 [1]	2 080	248	32
1988	2 189	1 997	144	48

[1] Aux fins de ce tableau, les plaintes relatives à la langue de travail concernant le SCRS (1 784 en 1986 et 456 en 1987) ont été regroupées et comptées comme une seule plainte.

A.3 LES PLAINTES

Répartition numérique des plaintes fondées, selon les institutions, 1987 et 1988

Institutions*	1987	1988
Affaires extérieures	30	26
Air Canada	376	191
Approvisionnements et Services	38	29
Banque fédérale de développement	8	26
Chemin de fer nationaux	24	19
Condition physique et Sport amateur	9	15
Conseil du Trésor	4	17
Défense nationale	85	74
Élections Canada	3	101
Emploi et Immigration	135	114
Énergie, Mines et Ressources	14	18
Environnement	75	57
Gendarmerie royale du Canada	65	32
Marine Atlantique	43	37
Musées nationaux	9	27
Pêches et Océans	29	15
Pétro-Canada	32	24
Radio-Canada	6	19
Revenu national (Douanes et Accise)	17	22
Revenu national (Impôt)	58	36
Santé et Bien-Être	56	51
Secrétariat d'État	22	30
Service correctionnel	18	17
Société canadienne des postes	202	227
Transports	85	100
Travaux publics	36	29
Via Rail	38	38

* Seules les institutions qui ont fait l'objet de 15 plaintes ou plus en 1988 sont énumérées ci-dessus.

A.4

LES VÉRIFICATIONS LINGUISTIQUES, SUIVIS ET ÉTUDES SPÉCIALES

Vérifications linguistiques, suivis et études spéciales effectués dans les ministères et organismes fédéraux 1986, 1987 et 1988

1986

Vérifications
Air Canada (Service en vol, opérations aériennes et maintenance)
Commissaires à l'information et à la vie privée
Commission de la Capitale nationale
Commission de la Fonction publique
Consommation et Corporations
Contrôleur général
Défense nationale (Collèges militaires)
Défense nationale (Centre médical)
Gendarmerie royale du Canada (Centre de formation et Saskatchewan)
Musées nationaux
Service canadien du renseignement de sécurité
Société canadienne d'hypothèques et de logement

Suivis
Affaires des anciens combattants
Affaires extérieures
Bureaux des services juridiques des pensions
Cabinet du Premier ministre
CN (Administration centrale)
CN (Tour et hôtels)
Commission canadienne d'examen des exportations de biens culturels
Commission des allocations aux anciens combattants
Commission des pensions
Commission du tarif
Conseil de révision des pensions
Corporation Place du Canada (Avant l'ouverture d'Expo 86)
Gouverneur général
Office national du film
Pont international de la voie maritime
Sénat
Société canadienne des postes
Société immobilière du Canada (Mirabel) limitée
Société immobilière du Canada (Vieux-Port de Montréal) limitée
Société immobilière du Canada (Vieux-Port de Québec) inc.
Vérificateur général

1987

Vérifications
Affaires indiennes et du Nord canadien
Approvisionnements et Services (Approvisionnements)
Banque du Canada
Centre de recherches pour le développement international
Commission de l'emploi et de l'immigration (Services spécialisés dans l'Ouest)
Conseil de recherches médicales du Canada
Défense nationale (Installations à Ottawa)
Défense nationale (Formation linguistique)
Revenu national (Douanes et Accise, laboratoires)
Service correctionnel du Canada (Atlantique)
Société du Crédit agricole

Suivis
Chambre des communes
Conseil des Sciences du Canada
Corporation commerciale canadienne
Défense nationale (Coordonnateurs)
Expansion industrielle régionale (Tourisme)
Justice
Société Harbourfront
Travail

Études spéciales
Défense nationale (Langue de travail et profils linguistiques)
Île-du-Prince-Édouard (Service au public)
Nouveau-Brunswick (Langue de travail)

1988

Vérifications
Affaires indiennes et du Nord canadien (Programme du Nord)
Air Canada (Atlantique)
Conseil canadien des relations de travail
Gendarmerie royale du Canada (Quartier général)
Revenu national (Impôt, 1re étape)
Santé et Bien-être social
Secrétariat d'État (Cour de la citoyenneté)
Service correctionnel du Canada (Québec)
Solliciteur général du Canada
Statistique Canada
Transports (Garde côtière – Atlantique)

Suivis
Affaires extérieures (Administration centrale)
Commission de la Capitale nationale
Environnement
Marine Atlantique
Société canadienne des postes (Participation et langue de travail – Ottawa)

Études spéciales
Événements nationaux et internationaux
Défense nationale (Francotrain)
Environnement (Parcs de l'Ouest)
Accueil téléphonique (Service au public)

LES QUESTIONS LINGUISTIQUES VOUS INTÉRESSENT ?

A.5

Imprimés, matériel audio-visuel et trousses produits par le Commissariat aux langues officielles

IMPRIMÉS POUR LES ADULTES

Rapport annuel. Publication bilingue présentée tous les printemps au Parlement. Fournit aux parlementaires et au grand public les données qui leur permettront de juger des progrès de la réforme du régime linguistique.

(R)

Tirés à part du Rapport annuel 1988

L'enseignement de la langue seconde : jeter des ponts. Vue d'ensemble de la politique et des progrès en matière de l'enseignement de la langue seconde.

(12W)

Les droits linguistiques : l'arbre et ses fruits. Un aperçu des principales décisions rendues par les tribunaux en 1988, en matière de langues officielles.

(10W)

Les minorités : le nombre et l'esprit. La situation des minorités de langue officielle dans chacune des provinces : les politiques et les éléments marquants de l'année.

(11W)

Langue et Société. Publication trimestrielle bilingue qui entend refléter le vécu linguistique des Canadiens, les informer sur ce qui se passe à cet égard dans les principaux secteurs d'activité et favoriser le dialogue entre ceux et celles qui s'intéressent à la question des langues officielles. Il s'adresse surtout aux leaders d'opinion, aux responsables politiques et administratifs, aux chefs des communautés linguistiques, aux éducateurs et aux chefs de file du secteur privé et des associations bénévoles.

(L)

Index pour Langue et Société. Index bilingue des titres des articles de tous les numéros de *Langue et Société* publiés jusqu'à présent.

(OL)

Tirés à part de Langue et Société

La langue de travail au fédéral. Un dossier réaliste et rigoureux préparé à partir d'une enquête menée au Nouveau-Brunswick.

(24L)

25 000 plaintes ! La plainte protège vos droits linguistiques. Le Commissaire aux langues officielles et ses responsabilités d'ombudsman.

(26W)

25 ans après la Commission B & B. Un dossier consacré à l'évolution du bilinguisme au Canada depuis la publication du fameux éditorial d'André Laurendeau. Un dossier complet. Des noms prestigieux. À lire absolument ! (Disponible en juin 1989.)

(27W)

Discours. Collection de 12 allocutions du Commissaire sur un nombre très varié de questions susceptibles d'intéresser ceux qui se préoccupent de la situation linguistique du Canada : droits linguistiques, communautés minoritaires de langue officielle, lois, services gouvernementaux, enseignement, communications, multiculturalisme, pour ne nommer que celles-là.

(1D)

La Loi sur les langues officielles de 1988. Livret contenant le texte intégral de la Loi, en français et en anglais.

(9C)

Résumé de la Loi sur les langues officielles de 1988. Un résumé des principaux éléments de la nouvelle loi.

(13W)

La nouvelle Loi sur les langues officielles. Brochure bilingue qui explique la *Loi sur les langues officielles* de 1988.

(3Q)

La nouvelle Loi sur les langues officielles et les collectivités minoritaires. Brochure bilingue qui explique la *Loi sur les langues officielles* de 1988. Décrit également comment le Commissaire, en tant qu'ombudsman linguistique, protège les droits linguistiques des collectivités minoritaires.

(2Q)

MATÉRIEL POUR LES JEUNES

Vous aviez la parole. Recueil des meilleures œuvres rédigées par des jeunes de 15 à 24 ans dans le cadre du concours d'œuvres de fiction lancé par le Commissaire pour marquer l'Année internationale de la jeunesse. Les œuvres françaises sont présentées d'un côté et les œuvres anglaises de l'autre.

(2V)

Soyez à l'écoute. Trousse qui offre la possibilité unique de connaître les idées et les sentiments des jeunes Canadiens et Canadiennes sur l'art de vivre dans un pays bilingue. Elle contient la publication intitulée *Vous aviez la parole*, la bande vidéo *Fiction accomplie* et le guide d'utilisation. Réservée aux enseignants et aux organismes.

(1V)

Explorations. Jeu bilingue destiné aux jeunes de 12 ans et plus. C'est un tour du monde qui les sensibilise au statut international du français et de l'anglais dans un univers linguistique extrêmement varié. Avec le jeu *Explorations*, les joueurs vont de ville en ville, au hasard des dés. Conçu pour quatre joueurs ou moins.

(1K)

Oh! Canada 2. Trousse bilingue pour enfants de 8 à 12 ans. Elle comprend un livret de 32 pages, rempli d'activités, intitulé *Oh! Canada 2*, un jeu appelé *Retrouvons Geneviève* qui invite à parcourir le Canada à la recherche de Geneviève la tortue espiègle, et un disque 33 1/3 tours *Le téléphone*.

(2J)

Agenda. Calendrier-journal bilingue pour les élèves de onzième année, qui regorge en outre d'anecdotes et de faits sur le Canada et ses deux langues officielles. Distribué par l'entremise des écoles.

AFFICHES

Nos amis à plumes. Affiche qui donne les noms français et anglais d'un bon nombre d'oiseaux qui égaient l'Amérique du Nord. Format : 45 sur 55 cm.

(10K)

Les hiboux hululent. Le langage animal est prétexte à une leçon de français et d'anglais. Affiche bilingue de 45 sur 60 cm.

(9J)

Le français et l'anglais... dans près de la moitié des pays du monde. Affiche bilingue qui donne, sur un fond de ballons aux couleurs vives, les drapeaux des pays où nos deux langues officielles sont communément utilisées. Une légende au verso identifie ces pays. Format : 50 sur 70 cm.

(9K)

Langues du monde/Les langues au Canada. Carte-affiche bilingue qui présente, d'un côté, les langues officielles ou les principales langues de communication de quelque 160 pays. De l'autre, elle offre quantité de renseignements sur le français et l'anglais de même que sur les autres langues qui se parlent au Canada et ailleurs dans le monde. Format : 90 sur 60 cm.

(4K)

La bernache du Canada. Les services du gouvernement fédéral sont disponibles dans les deux langues officielles. Voilà le message transmis aux jeunes de 9 ans et moins par les six illustrations aux couleurs vives de cette affiche dont la vedette est une bernache du Canada. Format : 90 sur 60 cm.

(1T)

Nouvelle affiche !

Deux langues officielles/Deux voix en harmonie. Des oiseaux multicolores unissent leurs voix pour chanter « Qu'on se le dise ! », sur cette affiche attrayante aux couleurs vives. Format : 66 sur 51 cm.

(11Q)

MATÉRIEL AUDIO-VISUEL[a]

Nouveaux produits !

Deux langues, un pays. Une carte géographique animée relate avec humour la place importante qu'occupent le français et l'anglais dans l'évolution de notre pays. Elle relate les faits historiques qui ont mené à l'adoption des lois contemporaines, y compris la *Loi sur les langues officielles* de 1988. Cette bande vidéo est accompagnée d'un guide d'utilisation. Particulièrement utile en salle de classe, et au cours d'ateliers, de colloques, de séances de formation et d'information. Également disponible en version anglaise, *Two Languages, One Country*. Sur vidéocassettes de 1/2 po et 3/4 de po, couleur ; 18 minutes. (Disponible en mai 1989.)

Le mur magique. Suivez les aventures de Julie et de Daniel, les deux héros à l'allure d'oiseau de ce film d'animation, qui sont propulsés dans un monde fantastique. Ils y font la connaissance de personnages exotiques au parler étrange. Bien qu'ils s'expriment tous dans un langage différent, Julie et Daniel réussissent, avec l'aide de leurs nouveaux amis, à retourner à la maison. Cette bande vidéo, destinée aux enfants de 5 à 7 ans, est distribuée aux enseignants et aux organismes avec un guide d'utilisation et une affiche. Également disponible en version anglaise, *The Magic Mural*. Sur vidéocassettes de 1/2 po et 3/4 de po, couleur ; environ huit minutes. (Disponible en juin 1989.)

Il était deux fois... Twice Upon A Time[b]. Le bilinguisme canadien vu avec le sourire. Vise surtout à susciter la discussion. Court-métrage bilingue en 16 mm ou en vidéocassettes de 1/2 po et 3/4 de po, couleur ; 10 minutes.

Le bilinguisme vingt ans après. Reportage réalisé à l'occasion du 20e anniversaire de la Commission royale d'enquête sur le bilinguisme et le biculturalisme. Des entrevues avec diverses personnalités permettent de faire le point sur les progrès accomplis. Également disponible en version anglaise, *Bilingualism Twenty Years Later*. Sur vidéocassettes de 1/2 po et 3/4 de po ; couleur ; 30 minutes.

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[a] Pour obtenir le matériel audio-visuel décrit ci-dessous, il suffit d'écrire à la Direction des communications, Commissariat aux langues officielles, Ottawa, Canada, K1A 0T8, ou de téléphoner au numéro (613) 995-0826.

[b] Ce matériel audio-visuel peut être emprunté du Commissariat et de toutes les cinémathèques de l'Office national du film.

LES PROGRAMMES DE LANGUES OFFICIELLES

B.1

Ventilation des prévisions budgétaires et des années-personnes affectées aux programmes de langues officielles à l'extérieur et au sein de la Fonction publique fédérale, 1987-1988 et 1988-1989

	1987-1988		1988-1989	
	Prévisions budgétaires révisées (000 $)	Années-personnes	Prévisions budgétaires révisées (000 $)	Années-personnes
PROGRAMMES EXTERNES : PROVINCES, TERRITOIRES ET ORGANISMES				
Secrétariat d'État				
• Paiements de transfert aux provinces et aux territoires au titre des programmes de langues	216 541		235 845	
• Paiements de transfert aux groupes minoritaires de langue officielle	19 631			
• Paiements de transfert au titre des programmes d'expansion du bilinguisme	12 007		43 190	
• Dépenses de fonctionnement	4 712	72	5 033	75
Commission de la Capitale nationale				
• Subventions à des programmes externes de bilinguisme	0	0	300	0
Commissariat aux langues officielles	10 609	152	11 288	160
Total partiel	263 500	224	295 656	235
PROGRAMMES INTERNES : FONCTION PUBLIQUE, INSTITUTIONS PARLEMENTAIRES FORCES ARMÉES ET SOCIÉTÉS D'ÉTAT				
Conseil du Trésor				
• Direction des langues officielles	5 150	64	5 222	64
Commission de la Fonction publique				
• Formation linguistique	33 334	588	31 934	548
• Administration et autres activités	4 921	94	2 715	53
Secrétariat d'État				
• Services de langues officielles	84 394	1 477	91 010	1 401
Autres ministères et organismes	72 583	537,5	80 245	547
Institutions parlementaires	1 105	11,5	1 246	10
Forces armées	49 652	986	54 982	994
Sociétés d'État	26 899	n.d.	26 602	n.d.
Total partiel	278 038	3 758	293 956	3 617
TOTAL	**541 538**	**3 982**	**589 612**	**3 852**

n.d. Données non disponibles.
Source : Secrétariat du Conseil du Trésor.

B.2

LES DEUX GROUPES DE LANGUE OFFICIELLE DANS LA FONCTION PUBLIQUE DU CANADA

Fonctionnaires fédéraux selon la première langue officielle et la catégorie d'emploi, 1982 et 1988

CATÉGORIE		FRANCOPHONES NOMBRE	%	ANGLOPHONES NOMBRE	%
Gestion	1982	584	20,1	2 318	79,9
	1988	843	21,0	3 162	79,0
Scientifiques et spécialistes	1982	4 715	21,1	17 677	78,9
	1988	4 978	22,2	17 458	77,8
Administration et service extérieur	1982	15 041	28,3	38 154	71,7
	1988	16 633	30,3	38 172	69,7
Techniciens	1982	5 431	19,7	22 103	80,3
	1988	5 426	21,0	20 436	79,0
Total des agents	**1982**	**25 771**	**24,3**	**80 252**	**75,7**
	1988	**27 880**	**26,0**	**79 228**	**74,0**
Soutien administratif	1982	22 583	32,2	47 645	67,8
	1988	21 499	33,9	42 012	66,1
Exploitation	1982	11 379	24,6	34 885	75,4
	1988	9 326	25,1	27 855	74,9
Total du personnel de soutien	**1982**	**33 962**	**29,2**	**82 530**	**70,8**
	1988	**30 825**	**30,6**	**69 867**	**69,4**
GRAND TOTAL	**1982**	**59 733**	**26,8**	**162 782**	**73,2**
	1988	**58 705**	**28,3**	**149 095**	**71,7**

Source : Système d'information sur les langues officielles, 1982 et 1988.

C.1

EFFECTIFS DES PROGRAMMES DE LANGUE SECONDE DANS LES ÉCOLES PUBLIQUES

PROVINCE[1]		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Terre-Neuve	1977-1978	156 168	67 791	95	3
	1987-1988[r]	136 228	77 145	2 979	28
	1988-1989[p]	132 580	78 000	3 300	28
Île-du-Prince-Édouard	1977-1978	27 628	16 495	541	7
	1987-1988[r]	24 747	16 110	3 033	23
	1988-1989[p]	24 620	16 300	3 300	23
Nouvelle-Écosse	1977-1978	198 097	88 991	127	3
	1987-1988[r]	169 478	101 229	3 490	49
	1988-1989[p]	167 700	101 000	4 000	50
Nouveau-Brunswick	1977-1978	162 229	70 629	3 179	34
	1987-1988[r]	138 531	72 500	15 458	102
	1988-1989[p]	136 600	70 000	15 500	102
Québec	1977-1978	1 260 983[1]	667 472		
Élèves inscrits aux cours d'anglais langue seconde	1987-1988[r]	1 036 180	576 300	Aucun programme d'immersion en anglais	
	1988-1989[p]	1 030 600	573 200		
Québec	1977-1978	n.d.	n.d.	17 754	n.d.
Élèves inscrits aux cours de français langue seconde	1987-1988[r]	n.d.	n.d.	18 750	n.d.
	1988-1989[p]	n.d.	n.d.	19 000	n.d.
Ontario	1977-1978	1 950 308	883 269	12 764	160
	1987-1988[r]	1 823 800	1 044 300	108 000	830
	1988-1989[p]	1 845 000	1 075 000	115 000	840

[1] Ces chiffres représentent tous les élèves des écoles publiques au Québec.

NIVEAU ÉLÉMENTAIRE[a] (Programme-cadre)			NIVEAU SECONDAIRE[c] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[b] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[b] Effectifs	%
93 440	33 585	35,9	62 453	34 111	54,6
68 101	36 802	54,0	64 962	37 364	57,5
65 300	37 200	57,0	63 780	37 500	58,8
13 284	7 351	55,3	13 171	8 603	65,3
10 302	6 059	58,8	10 908	7 018	64,3
10 000	6 200	62,0	10 810	6 800	62,9
100 529	30 025	29,9	91 545	58 839	64,3
83 723	46 049	55,0	78 463	51 690	65,9
82 910	46 210	55,7	76 990	50 790	66,0
49 019	29 563	60,3	56 930	37 887	66,6
36 619	31 989	87,4	40 505	25 053	61,9
35 800	31 000	86,6	38 300	23 500	61,4
580 351	214 730	37,0	473 402	463 934	98,0
602 680	252 000	41,8	326 500	320 000	98,0
602 100	255 000	42,4	324 500	318 000	98,0
Voir le tableau C.2 (Enseignement dans la langue de la minorité)			Voir le tableau C.2 (Enseignement dans la langue de la minorité)		
1 221 579	650 136	53,2	612 574	220 369	36,0
1 025 700	690 000	67,3	597 600	246 300	41,2
1 032 000	710 000	68,8	605 000	250 000	41,3

Suite

PROVINCE[a]		Population scolaire totale	TOTAL EFFECTIFS-EN LANGUE SECONDE	PROGRAMMES D'IMMERSION EN FRANÇAIS	
				Effectifs	Écoles offrant des cours d'immersion
Manitoba	1977-1978	221 408	85 619	1 667	13
	1987-1988	199 389	106 525	16 395	84
	1988-1989	199 100	108 000	18 000	85
Saskatchewan	1977-1978	216 248	53 804	407	2
	1987-1988	203 499	92 877	8 398	58
	1988-1989	204 100	102 300	9 300	58
Alberta	1977-1978	439 804	n.d.	n.d.	n.d.
	1987-1988	452 605	162 678	22 779	145
	1988-1989	460 100	177 000	26 000	150
Colombie-Britannique	1977-1978	527 769	161 110	1 301	15
	1987-1988	491 309	209 856	21 404	164
	1988-1989	493 200	218 000	27 000	170
Yukon	1977-1978	5 394	n.d.	n.d.	n.d.
	1987-1988	4 896	2 695	318	2
	1988-1989	5 000	2 950	390	2
Territoires du Nord-Ouest	1977-1978	12 717	n.d.	n.d.	n.d.
	1987-1988	13 386	4 046	310	4
	1988-1989	13 400	4 100	350	4
TOTAL	**1977-1978**	**5 178 753**	**(1)**	**37 835**	**237**
	1987-1988	**4 694 048**	**2 485 011**	**221 314**	**1 489**
	1988-1989	**4 712 000**	**2 544 850**	**241 140**	**1 512**

(1) Le total de 1977-1978 s'élève à 2 112 934, lorsque les chiffres sont additionnés verticalement. Additionnés horizontalement, les chiffres pour cette même année donnent un total de 2 240 949. Cela est dû à la non-disponibilité des données pour l'Alberta et les Territoires du Nord-Ouest.

[a] Là où aucune indication n'est donnée, la langue seconde enseignée est le français.

[b] Estimation de Statistique Canada.

[c] Voir le tableau C.2 pour le nombre d'élèves inscrits aux programmes d'enseignement dans la langue de la minorité.

[d] M à 6 sauf en Ontario (M à 8), en Colombie-Britannique et au Yukon (M à 7).

NIVEAU ÉLÉMENTAIRE[a] (Programme-cadre)			NIVEAU SECONDAIRE[a] (Programme-cadre)		
Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[b] Effectifs	%	Population scolaire dont la langue d'enseignement est l'anglais (Le français au Québec)	Langue seconde[b] Effectifs	%
110 831	42 576	38,4	100 707	41 376	41,1
90 035	48 640	54,0	87 734	41 490	47,3
88 850	49 000	55,1	87 100	41 000	47,1
110 382	4 928	4,5	104 075	48 469	46,6
106 539	40 776	38,3	87 194	43 703	50,1
106 400	48 000	45,1	87 000	45 000	51,7
216 656	52 435	24,2	215 899	58 903	27,3
234 000	65 524	28,0	193 937	74 375	38,4
238 000	71 400	30,0	194 200	79 600	41,0
305 574	75 740	24,8	220 894	84 069	38,1
278 999	91 223	32,7	188 985	97 229	51,4
278 200	94 000	33,8	186 000	97 000	52,2
3 545	1 346	38,0	1 849	939	50,8
2 836	1 430	50,4	1 696	947	55,8
2 860	1 600	55,9	1 700	960	56,5
8 801	2 100	23,9	3 916	1 100	28,1
9 103	2 244	24,7	3 973	1 492	37,6
9 100	2 250	24,7	3 950	1 500	38,0
2 813 991	**1 144 515**	**40,7**	**1 957 415**	**1 058 599**	**54,1**
2 548 637	**1 312 736**	**51,5**	**1 682 457**	**946 661**	**56,3**
2 551 520	**1 351 860**	**53,0**	**1 679 330**	**951 650**	**56,7**

[a] 7 à 12 sauf en Ontario (9 à 13), au Québec (7 à 11), en Colombie-Britannique et au Yukon (8 à 12).
[b] Données révisées depuis la parution du *Rapport annuel 1987*.
n.d. Données non disponibles.

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

C.2

PROGRAMMES D'ENSEIGNEMENT DANS LA LANGUE DE LA MINORITÉ

Nombre d'élèves inscrits aux programmes conçus pour permettre aux enfants de la minorité de langue officielle (l'anglais au Québec et le français ailleurs) d'étudier dans leur langue maternelle ; classes où ces programmes sont assurés ; nombre d'écoles les dispensant, selon les provinces et territoires, 1970-1971, 1987-1988 et 1988-1989

		Élèves inscrits	Classes	Écoles
Terre-Neuve	1970-1971	185	M à 10	1
	1987-1988[r]	186	M à 6, 10 à 12	4
	1988-1989[p]	200	M à 6, 10 à 12	4
Île-du-Prince-Édouard	1970-1971	796	1 à 12	7
	1987-1988[r]	504	1 à 12	2
	1988-1989[p]	510	1 à 12	2
Nouvelle-Écosse	1970-1971	7 388	P à 12	32
	1987-1988[r]	3 802	P à 12	19
	1988-1989[p]	3 800	P à 12	19
Nouveau-Brunswick	1970-1971	60 679	M à 12	196
	1987-1988[r]	45 949	M à 12	157
	1988-1989[p]	47 000	M à 12	160
Québec	1970-1971	248 855	M à 11	519
	1987-1988[r]	107 000	M à 11	375
	1988-1989[p]	104 000	M à 11	370
Ontario	1970-1971	115 869	M à 13	381
	1987-1988[r]	92 500	M à 13	365
	1988-1989[p]	93 000	M à 13	365
Manitoba	1970-1971	10 405	M à 12	49
	1987-1988[r]	5 225	M à 12	28
	1988-1989[p]	5 150	M à 12	28
Saskatchewan	1970-1971	765	M à 12	12
	1987-1988[r]	1 368	M à 12	14
	1988-1989[p]	765	M à 12	14

Suite

		Élèves inscrits	Classes	Écoles
Alberta	1970-1971	n.d.	n.d.	n.d.
	1987-1988[r]	1 889	M à 12	18
	1988-1989[p]	1 900	M à 12	18
Colombie-Britannique	1970-1971	-	-	-
	1987-1988[r]	1 921	M à 12	37
	1988-1989[p]	2 000	M à 12	37
Yukon	1970-1971	-	-	-
	1987-1988[r]	46	M à 7-9	2
	1988-1989[p]	50	M à 9	2
Territoires du Nord-Ouest	1970-1971	-	-	-
	1987-1988[r]	-	-	-
	1988-1989[p]	-	-	-
TOTAL	**1970-1971**	**444 942**		**1 197**
	1987-1988[r]	**260 390**		**1 021**
	1988-1989[p]	**259 010**		**1 019**

[p] Estimation de Statistique Canada.

[r] Données révisées depuis la parution du *Rapport annuel 1987*.

n.d. Données non disponibles.

Source : Statistique Canada, Division de l'enseignement élémentaire et secondaire.

D.1 PRINCIPALES DISPOSITIONS FÉDÉRALES ET PROVINCIALES EN MATIÈRE DE LANGUES OFFICIELLES : UN TOUR D'HORIZON

	Parlement et organismes fédéraux	Terre-Neuve	Nouvelle-Écosse	Île-du-Prince-Édouard	Nouveau-Brunswick	Québec
Droit à l'instruction dans la langue de la minorité (*art. 23* Charte)	*	*	*	*	*	* [1]
Droit de recevoir des services fédéraux en français et en anglais (art. 20(1) Charte, Partie IV, LLO (1988)	*	*	*	*	*	*
Droit de recevoir des services en français ou en anglais d'un gouvernement provincial ou territorial	s/o				*art. 20(2) Charte des droits* LLO de 1969 Loi reconnaissant l'égalité des deux communautés linguistiques Nouveau-Brunswick 1981	Loi 142 de 1986 (garantit des services de santé et des services sociaux en anglais)
Usage facultatif du français et de l'anglais dans les débats, travaux et séances du Parlement du Canada et des législatures provinciales	*art. 133 Loi constitutionnelle* de 1867				*art. 17(2) Charte des droits* LLO de 1969	*art. 133 Loi constitutionnelle* de 1867
Usage obligatoire du français et de l'anglais dans les lois, registres, procès-verbaux et journaux du Parlement du Canada et des législatures provinciales	*art. 133 Loi constitutionnelle* de 1867				*art. 18(2) Charte des droits* LLO de 1969	*art. 133 Loi constitutionnelle* de 1867
Droit d'employer le français ou l'anglais dans les procédures criminelles	*art. 133 Loi constitutionnelle* de 1867	[4]	[4] art. 462.1 (en cas d'infractions punissables par procédure sommaire)	[4] art. 462.1 (en cas d'infractions punissables par procédure sommaire)	*art.19(2) Charte des droits* art. 462.1 C cr. LLO de 1969	[4] *art. 133 Loi constitutionnelle* de 1867
Droit d'employer le français ou l'anglais dans les procédures civiles	*art. 133 Loi constitutionnelle* de 1867				*art.19(2) Charte des droits* LLO de 1969	*art. 133 Loi constitutionnelle* de 1867
Réseau de radiotélévision de la Société Radio-Canada programmation dans la langue de la minorité (Loi sur la radiodiffusion)	*	*	*	*	*	*
Étiquetage des produits de consommation (Loi sur l'emballage et l'étiquetage des produits de consommation)	*	*	*	*	*	*

Légende * S'applique dans cette juridiction. Les italiques indiquent des dispositions inscrites dans la Constitution.

Remarque : Certains droits et obligations constituent des droits de facto dès leur entrée en vigueur, ceux ayant trait au Parlement, à la législation ou aux tribunaux par exemple, alors que d'autres font l'objet d'une mise en œuvre progressive, le service au public et les droits scolaires notamment, comme en font état les parties II et IV du Rapport.

Notes

① La clause dite « de la langue maternelle » (article 23(1)a)) de la Charte canadienne des droits et libertés, selon laquelle « les citoyens canadiens dont la première langue apprise ou encore comprise est celle de la minorité francophone ou anglophone de la province où ils résident » peuvent faire instruire leurs enfants dans la langue de la minorité de ladite province, ne s'applique pas en ce moment au Québec. Cependant, la Charte confère à la province le droit de décision en cette matière.

Ontario	Manitoba	Saskatchewan	Alberta	Colombie-Britannique	Territoires du Nord-Ouest	Yukon
*	*	*	*	*	*	*
*	*	*	*	*	*	*
art. 5 Loi sur les services en français de 1986					2 art. 15 Loi des T. N.-O. sur les langues officielles de 1984	3 art. 6(1) Loi sur les langues de 1988
art. 3(1) Loi sur les services en français de 1986	*art. 23 Loi de 1870 sur le Manitoba*	art. 12 Loi linguistique de 1988	art. 5(1) Loi linguistique de 1988		2 art. 10 Loi des T. N.-O. sur les langues officielles de 1984	3 art. 3(1) Loi sur les langues de 1988
art. 3(2) Loi sur les services en français (à compter du 1er janvier 1991)	*art. 23 Loi de 1870 sur le Manitoba*				2 art. 12 Loi des T. N.-O. sur les langues officielles de 1984	art. 4 Loi sur les langues de 1988 (à compter du 31 déc. 1990. Ne s'applique qu'aux lois.)
art. 462.1 C. cr.	art. 462.1 C. cr.	art. 462.1 C. cr.	4	4	art. 462.1 C. cr.	art. 462.1 C. cr.
Loi de 1984 sur les tribunaux judiciaires (Gamme de droits à l'emploi du français dans les cours désignées) à cette fin)	*art. 23 Loi de 1870 sur le Manitoba*	art. 11 Loi linguistique de 1988 (devant les tribunaux désignés)	art. 4 Loi linguistique de 1988 (communications orales devant les tribunaux désignés)		2 art. 13 Loi des T. N.-O. sur les langues officielles de 1984	3 art. 5 Loi sur les langues de 1988
*	*	*	*	*	*	*
*	*	*	*	*	*	*

2 Les dispositions de cette loi entrent en vigueur le 31 décembre 1990, au plus tard.
3 Les dispositions de cette loi entrent en vigueur le 31 décembre 1992, au plus tard.
4 L'article 462.1 entrera automatiquement en vigueur le 1er janvier 1990 dans les provinces où il n'est pas déjà en vigueur.

Sources : Loi constitutionnelle de 1867 ; Loi constitutionnelle de 1982 (Charte canadienne des droits et libertés) ; Loi de 1870 sur le Manitoba ; Loi sur les langues officielles de 1988 ; Loi des territoires du Nord-Ouest sur les langues officielles ; Loi de 1984 sur les tribunaux judiciaires (Ontario) ; Code criminel ; Loi modifiant de nouveau la Loi sur les services de santé et les services sociaux (Loi 142, Québec) ; Loi sur les langues (Yukon) ; Loi linguistique (Alberta) ; Loi linguistique (Saskatchewan) ; Loi sur les services en français (Ontario) ; Loi de 1969 sur les langues officielles (Nouveau-Brunswick) ; Loi reconnaissant l'égalité des deux communautés linguistiques officielles au Nouveau-Brunswick (1981).